

**The Clinton Administration's
Reversal of U.S. Immigration Policy
Toward Cuba**

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THE CLINTON ADMINISTRATION'S REVERSAL OF U.S. IMMIGRATION POLICY TOWARD CUBA

HEARING
BEFORE THE
SUBCOMMITTEE ON
THE WESTERN HEMISPHERE
OF THE
COMMITTEE ON
INTERNATIONAL RELATIONS
HOUSE OF REPRESENTATIVES
ONE HUNDRED FOURTH CONGRESS
FIRST SESSION

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THE CLINTON ADMINISTRATION'S REVERSAL OF UNITED STATES IMMIGRATION POLICY TOWARD CUBA

THURSDAY, MAY 18, 1995

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON THE WESTERN HEMISPHERE,
COMMITTEE ON INTERNATIONAL RELATIONS,
Washington, DC.

The subcommittee met, pursuant to call, at 10 a.m. in room 2172, Rayburn House Office Building, Hon. Dan Burton (chairman of the subcommittee) presiding.

Mr. BURTON. First of all, I want to welcome everyone who is in attendance. My colleague, Lincoln Diaz-Balart, who used to be a member of the Foreign Affairs Committee is joining us today because of his interest in this issue and we welcome him as a quasi member of the committee.

Today we have the honor of having the Honorable Peter Tarnoff, Under Secretary of Political Affairs from the Department of State; Adm. Norman T. Saunders, Chief of the Office of Law Enforcement and Defense Operations of the U.S. Coast Guard; the Honorable Doris Meissner, Commissioner of Immigration and Naturalization Services.

The second panel will consist of Mr. Jorge Mas Canosa, chairman of the Cuban American National Foundation; the Honorable Otto J. Reich, senior associate for the Center for Strategic and International Studies; and the Honorable Elliot Abrams, senior fellow at the Hudson Institute and former Assistant Secretary of State.

The third panel will be Mr. Jay Fernandez, director of the Valladares Foundation; Mr. Frank Calzon, Washington representative of Freedom House; and Mr. Raymond Molina, the Washington representative of Unidad Cubana.

This is going to be a lengthy hearing. We ask our witnesses and the members of our committee to limit their statements to no more than 5 minutes so we can get to questions and answers, since that is the most effective way to get some answers to the problems that concern us.

For over 30 years, the United States has had a policy of accepting people who are fleeing Communist oppression from the island of Cuba. The oppressive policies of the Castro regime are known around the world. Not only has Fidel Castro supported violent revolution around our hemisphere, but he also has assisted in revolutionary organizations in Africa, the Middle East, and elsewhere. This guy was a very active person.

The people, like my good friend Armando Valladares who is with us today, who have suffered in Castro's prisons know of the torture and inhuman conditions that persist there even today. Some of those people have suffered for 25-30 years.

Over the years the United States has applauded those who have fled oppression in Castro's horrible dictatorship in Cuba. Just a couple of years ago an Air Force captain in Cuba's Air Force took one of the Air Force jets and flew to the United States and was a witness before this committee, testifying as to the horrible conditions in Castro's Cuba, and the daily surveillance that prevents people from saying anything without being concerned about their safety.

We also applauded a couple years ago, when a Cuban-American refugee took a small plane and flew under the radar screen of Castro's Cuba, picked up his family on a road in Cuba risking his life and his family's life, and flew back to Marathon, FL. Everybody in this country applauded because they were fleeing oppression and they wanted to be free. We have had a policy for over 30 years of giving those who are fleeing oppression, trying to come to freedom, domicile in this country.

Under several Presidents, both Democrat and Republican, that has been our policy. However, under this administration it has changed. I believe one of the reasons it has changed is because we have people in the administration who have publicly stated that they support some of the views of the leftist groups around the world, and have said that they saw nothing wrong with the Communist aggression in Angola, and elsewhere, sponsored by Fidel Castro.

In particular, I am talking about Morton Halperin; and if anybody wants to see his quotes, we have a record of that. Halperin and others who have been advising the administration are taking them in a giant step in the wrong direction.

We believe this misdirection is predominantly taking place at this time because the American people are upset with the vast number of illegal aliens and illegal immigrants who are coming into this country. Now we are confusing people who are fleeing oppression from Castro's Cuba with people who are coming here for economic reasons.

We think this is very unfortunate because there is a big difference between the two. It is like comparing apples to oranges. The people who are coming here for economic reasons from Mexico and elsewhere are not coming because they are fleeing oppression, but rather they are coming here to make a living and we have a terrible problem with that.

However, those who are fleeing for their lives, those who are fleeing to bring their families to safety out of the horrible conditions that exist in Cuba because of the Communist terror down there, those who do not want to be thrown into Castro's dungeons, have a right to be free.

Today we are very fortunate to have Mr. Tarnoff with us who negotiated the agreement with the Cuban Foreign Minister. We are very anxious to hear what he has to say about the negotiations. In order to get full and correct answers, we will swear in every wit-

ness today. This is a procedure that is followed on occasion. We think this is such a serious subject that it is necessary.

At the last minute, we were told that General Sheehan, Commander in Chief of the U.S. Atlantic Command is coming to be with us and we welcome him. We apologize, General, because of the short notice and because of our very heavy schedule, we will not be able to have your testimony. We would like it submitted for the record and when we get into the questions and answers, if any member of the committee would like to question you, I hope you will be willing to take questions.

We also have with us Mr. H. Allen Holmes, Assistant Secretary for Defense for Special Operations and Low Intensity Conflict. We appreciate him being here as well. We welcome your statement for the record and likewise we hope you will be willing to answer questions should the panel want to ask.

And with that, I will be very happy to yield first to my good friend Ileana Ros-Lehtinen of Florida.

Ms. ROS-LEHTINEN. Thank you so much, Mr. Chairman. I congratulate you for holding this hearing.

And in the interest of time because we know that we have so many pressing questions that we would like to ask, especially to Mr. Peter Tarnoff who participated in the secret talks with Ricardo Alarcon resulting in this lamentable decision, this policy shift of deporting political refugees, I would like to have my 5 minutes time dedicated to asking some of the questions that I would like Mr. Tarnoff to respond to in written form as soon as he is able.

I discussed this with him before our testimony. I have 123 questions and I would like to start reading them.

Please provide the Subcommittee on the Western Hemisphere with a list of all the trips to Cuba by officials of the State Department, the National Security Council, Immigration and Naturalization Service, the Department of Justice, the Department of Defense, and any Federal employee who has traveled to Cuba on official business during the time that President Clinton has been in office, the reasons for their trips, their itineraries and the list of Cuban officials with whom they met.

Second, what did President Clinton know about these secret negotiations? Did President Clinton authorize the secret talks with Castro? I would like to ask my assistant if he could hand those questions to you, Mr. Tarnoff. When did the President learn of the secret talks? Was the President informed of the progress in the talks? Was the President involved in the negotiations? Are you fully cooperating with the members of this subcommittee in giving truthful statements about the talks with Cuban officials? What is the future of United States policy toward Cuba? Do written or recorded transcripts exist about these secret talks? Will you provide the Congress with copies of any written or recorded transcripts of these secret talks? Do any minutes exist about these secret talks? Will you provide Congress with copies of any minutes that might exist about these secret talks?

When were the following individuals made aware of the existence of these secret talks? President Clinton, Secretary of State Warren Christopher, Attorney General Janet Reno, Assistant Secretary of State for Inter-American Affairs Alexander Watson, Director of

Cuban Affairs at State Department Dennis Hayes, Deputy Director of Cuban Affairs at the State Department Nancy Mason.

Whose initiative was it to begin secret negotiations? When did the secret negotiations begin? Where did the secret negotiations begin? Who participated in each round of the secret negotiations? How many rounds of secret negotiations took place? What was discussed in these negotiations? Was the economic embargo against Castro a topic at these negotiations? Was there any discussion regarding the lifting of the sanctions imposed by the United States this summer regarding limitation of trips to Cuba and money remittance to the island? Was the Loudres Intelligence Facility or the Signfuegos Nuclear Plant brought up by either the Castro representatives or the U.S. officials at any of these conversations? Which Members of the U.S. House of Representatives or U.S. Senate were contacted before the secret accord was announced in order to discuss the agreement with them. When and where were these Members contacted? Did you or any other official involved in the secret talks contact Gov. Lawton Chiles or any other elected or appointed official from Florida about the secret talks before the accord was announced? Has the Clinton administration consulted with President Clinton about the formulation of Cuba policy?

Who sets Cuba policy in the administration? Is it the President, the Department of State, the National Security Council, the Pentagon? What guarantees do we have that you are telling the truth now when administration officials have previously said that there have been no secret deals or negotiations?

Illegal exits from Cuba are considered crimes under the Cuban Penal Code. Can you tell us the number of prisoners currently jailed in Cuba for illegally leaving the island?

Why do you think with the signing of this accord Cuba will no longer take reprisals against repatriated refugees? Was there a discussion of the Helms-Burton bill in the public or secret talks? What did United States officials tell the Cuban officials about the Helms-Burton legislation? Was there an agreement that the Clinton administration would oppose the Helms-Burton bill in exchange for any action or statement by Castro? Is there a connection between the administration's opposition to the Helms-Burton bill and the secret negotiations?

The Washington Post reported a few weeks ago that some senior advisers at the White House were urging President Clinton to relax sanctions against Castro. Who was involved in the drafting of the memo or in suggesting ideas for this memo?

Was Rick Nuccio in Cuba before the secret negotiations took place? Did one of your assistants, Mr. David Goldman, accompany Mr. Nuccio to Cuba? Was there any promise given to the United States concerning relaxation of sanctions against Castro? Will the Clinton administration consider a naval blockade of Cuba if Castro violates this accord?

And that is question 39. There are 123 others and I look forward to the question and answer part of our testimony. Thank you, Mr. Chairman.

Mr. BURTON. Thank you, Ms. Ros-Lehtinen. We now yield to my good friend from New Jersey, Mr. Bob Menendez.

Mr. MENENDEZ. Mr. Chairman, I will yield to the ranking member. I know I was here first, but he was in a markup. So, if it is all right with you.

Mr. BURTON. Fine.

Mr. TORRICELLI. Thank you, very much. Mr. Chairman, there might be some questions that Ms. Ros-Lehtinen did not ask, but frankly I cannot think of them. But they bring attention to what is clearly at this point a concern in this institution.

For several years, United States policy toward Cuba has been bipartisan, determined, and based on a clear strategy. It is my belief that President Clinton has been committed to that strategy of economic pressure, political isolation, and increased communication. The goal of this strategy is to create, foster, and expand a human rights movement within Cuba with the goal of replacing the current dictatorial regime with a pluralist democracy.

I recognize that the administration believes that it has not contradicted that commitment. It is, of course, not enough that the administration holds that view. It is critical that both within the United States and perhaps more importantly among potential and real adversaries of the Castro dictatorship within Cuba, potential investors and allies in the investor community, that they recognize the continued solidarity of the United States Government and commitment toward this strategy.

While all of us obviously can regret actions of recent weeks, what remains paramount is that we now seize every opportunity to demonstrate to the Castro government, its internal opponents and members of the international community our continued resolve. That that resolve is uncompromisable, that any contacts with the Cuban Government are reserved to being a part of the strategy of its isolation and dealing only with issues of our own national security. If those contacts are limited, shared with this Congress and in pursuit of our overall objective and that we continue in the policy of seeking every opportunity to increase economic pressure and foster political opposition.

I believe this committee has produced legislation which in my judgment is the next logical step in enhancing the embargo and isolating the Cuban dictatorship. I recognize that it is both the right and the responsibility of the administration to offer its suggestions of how to improve the legislation. I trust, consistent with President Clinton's commitments, that those suggestions are all intended to strengthen the embargo and I welcome the administration's involvement in this process of drafting legislation.

But let there be no mistake. That legislation will be passed. It will be strong. It will strengthen the embargo. It will further isolate the Cuban dictatorship, and it will enhance our national leverage and bring about a pluralist government in Cuba.

If that legislation was important several weeks ago, it is critical at the moment. Whether or not anyone intended it, the new policy of returning refugees has sent a mixed signal. Taking the President at his word, I believe it was not his intention. Those who are fighting for human rights in Cuba now must be confused. International investors who were waiting before and foreign governments who were questioning before whether to reproach the Castro government must be wondering about the wisdom of their judgment.

This legislation is an unmistakable opportunity to send a clear and decisive message international and most importantly in Cuba that our policy has not changed. We are resolute and becoming part of the embargo strategy puts them on the winning side of this equation. I look forward to the testimony today. I hope it will correct any perceptions about any weakening of our resolve, any lessening of our coalition. And I urge the administration in the time that remains before this legislation goes to the floor of the House to become part of the process, strengthen it, improve it. We want to work with you. But if today's hearing does nothing else, let it be clear that this embargo stands. It will be strengthened. And that legislation will on a bipartisan overwhelming basis be approved by this Congress. Thank you, Mr. Chairman, for this opportunity.

Mr. BURTON. Thank you, Bob. We will have one more member of the committee, make a statement and then we will go vote. And then we will be back. We will try to be back as quickly as possible. OK, Representative Menendez will make his statement when we come back. Representative Diaz-Balart.

Mr. DIAZ-BALART. Thank you, Mr. Chairman. I have no opening statement. I want to thank you. As you mentioned, I am on leave from the International Relations Committee due to my service on the Rules Committee. I am grateful for the opportunity to be able to come back occasionally to the International Relations Committee on important occasions.

I will have some questions for the administration, specifically for Mr. Tarnoff and General Sheehan at the appropriate time, Mr. Chairman.

Mr. BURTON. Recess for about 10 minutes.

[Recess.]

Mr. BURTON. Would the guards shut the doors? Everyone take their seats. I have been informed by the Parliamentarian of the House it is going to be a little over an hour before we have the next vote so we can get through some of this very important questioning. When we left, Representative Menendez was about to make an opening statement. Representative Menendez.

Mr. MENENDEZ. Thank you, Mr. Chairman. Mr. Chairman, I have many questions and just a few introductory remarks. I hope that Mr. Tarnoff will be able to stay with us for as long as it is necessary. And I want to thank you for calling these hearings. I know that I urged you to do so and I am glad to see that you have done it in a rather quick fashion.

I want to state categorically that I believe that the secret negotiations in which today's leading witness has engaged are wrong. Secret negotiations between the Castro dictatorship and Secretary of State Henry Kissinger under a Republican administration were wrong in 1974 and those between the Castro dictatorship and Peter Tarnoff, Under Secretary of State for Political Affairs, under a Democratic administration are wrong in 1995.

We are moving down a very slippery policy slope when domestic anti-immigration sentiments determine our foreign policy toward the most brutal regime in this hemisphere. These are not the kind of measures that may be expected to address the vexing problems of a 36 year old dictatorship 90 miles from our shores.

The basic problem in Cuba is political in nature and comprises the persistence of the Castro dictatorship and the brutality and lack of respect for human rights that dictatorship has for its people. The solution to Cuba's problems clearly will not begin until there is a fundamental transformation of that political system. Our policy may influence that process.

For instance, our embargo has compelled Castro to initiate the changes that he has introduced in a desperate attempt to attract hard currency. But we are very mistaken indeed if we believe that making a migration deal in secret will somehow move this most ruthless of dictators to anything but a calculation for his next move.

As I told the Assistant Secretary at a meeting that he had with several members of the committee last week, I have many questions. I hope that I will be submitting also a long list of questions. I will not read them all off at the moment, but I do hope that the questions can be answered in public.

However, Mr. Chairman, I would urge you if the Assistant Secretary in response to a question feels that he cannot answer so in public, that those questions then go into executive session because we need answers and I appreciate that you are seeking those answers under oath.

I have one or two that I want to state right off the bat. I have sent a letter to the Secretary of State. I am sure he has shared it with you. Those are some of the questions I outlined before. But I would like to know the specific roles of those in the State Department, the National Security Council. I would like to know most particularly and clearly if there are any other actual, understood, implied accords and agreements with the dictatorship that have been made or are in the process of being made.

And if you can understand my skepticism when in my district at a town meeting, we had the head of the Cuba desk, the former head of the Cuba desk, at a town meeting with hundreds of people from my district who were told that in response to questions there are no secret meetings. There are no secret negotiations. There are no secret accords. And then the very following week, there were secret meetings. There were secret negotiations and there were secret accords.

Clearly, that belies the public trust of the people not only in my district but of Members of Congress also who were told very different things. I would like to specifically hear from the Secretary. What is the State Department's position regarding Cuban law which was reinstated after the September 9, 1994 accords which forbids illegal exit from the country?

It is my understanding that present Cuban law considers fleeing the country a crime, punishable as treason. If the law is in effect, how is it possible to believe that repatriated Cubans will not suffer under such a law? Treason, obviously, is one of the highest crimes that can be committed in any country. I have those and many other pressing questions, Mr. Chairman, and I look forward to the answers.

Mr. BURTON. Representative Chris Smith.

Mr. SMITH. Thank you, very much, Mr. Chairman. I want to thank you for holding this hearing. We have been here before, Mr.

Chairman, talking about how on earth the United States of America could have blundered so badly, having done something so contrary to American ideals and its clandestine dealings with the Castro regime.

Three months ago the subcommittee held a hearing about the sinking of the tugboat the *13th of March* in which agents of the Castro government deliberately killed women and children as a method of enforcing their anti-immigration policy.

We asked how the Clinton administration could possibly have seen its way clear to turning over the enforcement of our own immigration policies to these thugs who had committed these kinds of crimes. We got very poor answers at that hearing, Mr. Chairman, and in fairness to the administration witnesses, what could they really have said in favor of such inhumane policy?

In the intervening months, I thought that we were making some progress. It seems as though you and me, Ileana Ros-Lehtinen, Lincoln Diaz-Balart, Bob Menendez, and many other Members, Chairman Gilman, were beginning to get through to the State Department, trying to secure humane treatment for the people in Guantanamo. And let me say parenthetically it is important that those people will find freedom and will find an escape from the dire circumstances that they were living under.

But now comes the second Clinton/Castro agreement. Now we are doing directly what earlier we were doing indirectly, surrendering brave people who risked their lives in search of freedom into the hands of their pursuers.

Mr. Chairman, the Clinton administration's policy on Cuba is like a bad dream. It is a nightmare. I understand we have already started to return people to the Castro dictatorship. Earlier this week there were reports of people who were shot at by the Castro border enforcement authorities as they escaped from Cuba. I understand the administration intends to return them to Cuba and may have done so already.

Elliot Abrams, the former Assistant Secretary for Hemisphere, in his statement today makes many, many important points. But I think one of his points sums up the situation. But to join now with the security forces of Cuba to make common cause with them, to cooperate with them and work with them and hand over people fleeing toward freedom, this is American policy today and it is shameful.

It would have been shameful to turn Russian Jews or Pentacostals over to the KGB where they would have been punished for the crime of trying to immigrate. It would have been shameful to throw escaping refugees back over the Berlin Wall. It is no less shameful regarding Cuba.

Mr. Chairman, I think we are also beginning to see a pattern in the Clinton administration. As we talk, as part of the comprehensive plan of action, we are poised to send back thousands of Vietnamese and Mong who fought side by side with the Americans with our allies in Southeast Asia who will be sent back to a very, very uncertain and probably very cruel future in Vietnam. So this idea of forced repatriation is becoming a habit and is part, I believe, of a habit.

Mr. Chairman, forced repatriation by the United States of Cubans fleeing the tyranny of Castro's Cuba is repugnant, immoral, and it is extremely naive. Forced repatriation and the secret negotiations with the brutal dictatorship that preceded Mr. Clinton's policy flip-flop has put at risk some of the bravest and some of the most decent people in the world. Thank you, Mr. Chairman.

Mr. BURTON. Thank you, Representative Smith. Representative Martinez.

Mr. MARTINEZ. Mr. Chairman, let me start out by saying in the first place there were secret hearings going on with Cuban long before President Clinton took office and this administration was in place. And I hope somebody in the panel refers to those talks that took place then.

You know, I like a lot of you believe that the, and I am very happy about the forces of democracy that have swept aside the Communist regimes in Eastern Europe and the former Soviet Union. But the reality is that Fidel Castro, however, steadfastly refuses to yield to the tide of change, clinging to a failed ideology and a discredited economic system which has only served to enslave the people of that island nation.

I like every one else here believes it is incumbent upon the United States, as the leading democracy in the world, to help the Cuban people break the shackles of communism, and establish a democratic form of government that will respect the principles of freedom and democracy.

However, congressional initiatives principally designed to strengthen the economic embargo of Cuba, although clearly well intentioned, will not, in my opinion, produce the outcome we all wish for the, the end of Castro's regime and Cuba's transition to a democratic society.

In my opinion, it is like the story of the wolf huffing and puffing and blowing the house down and that is the efforts that we have put forth so far. The problem is that he has built a house of bricks of hate aimed at us. Stark contrast to a lot of the other policies that we have had in other nations are those that we now express in Cuba.

But it is not the first time we have had failed policies. You just have to look at the different nations around the world like Iran and those leaders in those countries that were not exactly democracies but we supported. I have faith that, more faith that the embargoes would be more effective if they were multilateral instead of unilateral. And if it truly isolated the Cuban Government instead of dividing the American people from the Cuban people.

I therefore welcome the administration's review of the Cuban policy. But I fear the emotional response to a review, driven by our shared hatred for Castro, will not allow for the best strategy to eliminate the last Communist holdout in the Western Hemisphere. The embargo, I believe, has paradoxically done more to weaken the Cuban people than to emasculate the Cuban Government.

In addition, U.S. foreign policy is riddled with inconsistencies. Although we vociferously condemn Castro and impose economic embargoes on his country, we have not been so conscientious in criticizing other despotic leaders. For example, until the Iranian Islamic revolution in 1979, Washington policymakers had nothing

but the highest esteem for the Shah of Iran, a man whose government repeatedly brutalized and repressed the Iranian people. For nearly 50 years, the United States had the same cozy relationship with the Samozza family, which was ruthlessly ruled Nicaragua as though it were their private feudal estate. The honorary list of antidemocratic leaders the United States has backed is almost endless and includes the likes of General Pinochet, General Trujillo, and General Noriega.

In conclusion, Mr. Chairman, I would hope that we will begin to fully engage the hard-pressed Cuban people. The 36-year-old policy of isolating Fidel Castro has accomplished little but to further impoverish the lives of Cubans without weakening Castro's despotic hold on power. It is time for the United States to jettison the outdated policies of isolating Cuba, and replace it with a more comprehensive, proactive approach of engaging the Cuban people. In my humble opinion, direct, unfettered contact between our two nations can only strengthen the forces of freedom and hasten the demise of Castro's regime.

I have very little criticism of the efforts by the President's administration to try to change the policies of the past that have been failed policies of the past. And all we need to look at the idea of success is the Tiananmen Square demonstration and where most of the young men that were engaged in that Tiananmen Square where the leaders of it were educated right here in the United States looking at what they could prosper by under a free system. And they took that idea back and they will continue to try to impose that until that system fails also in China.

But I believe that the best way is communication. As long as we are talking with people and sharing ideas and giving them hope to hold, then that will make the difference. Thank you, Mr. Chairman.

Mr. BURTON. Thank you. We will now hear from the chairman of the International Relations Committee, Mr. Gilman.

Mr. GILMAN. Thank you, Mr. Chairman. I want to thank you for conducting this hearing on how our Government treats Cubans fleeing Castro's dictatorship, and I want to welcome our panelists who are here today.

For 35 years, Mr. Castro has been an aggressive enemy of United States interests: Providing a platform for Soviet nuclear weapons targeted on our shores, sustaining Latin American guerrilla movements, and destabilizing Africa, serving as a military and intelligence outpost for the Soviet Union, not to mention some of the other problems we have had.

The same human rights that our Nation defended when Lenin was in law school are still being violated by the Castro regime today.

Mr. Chairman, we are not asking that the world hold Castro to any higher standard. We are talking about fundamental principles enshrined in the Universal Declaration of Human Rights.

Regarding the migration policy announced by the Clinton administration on May 2, we understand the difficulty in dealing with the mass exodus in a humane way.

Affording some 15,000 Cuban political refugees in Guantanamo the opportunity to claim asylum in the United States addressed a

policy of holding these people indefinitely without recourse. That was welcome news to those of us who recognized that the Guantamamo policy was not sustainable.

Regrettably, another part of this plan is the forced repatriation of Cubans who flee that communist state after May 2: Already U.S. Coast Guard cutters are delivering people into an uncertain fate in Havana Harbor. That decision represents a break with a long history of offering asylum to innocent people who have fled Castro's tyranny.

The assertion that our embassy personnel are going to be able to verify the personal security of those returned Cubans I think is quite naive. Moreover, any assurances by Castro that he will hold back on routine harassment of these repatriated persons are wholly unreliable.

Quite simply, before changing how we treat Cuban refugees, the Clinton administration should have demanded a change in how Castro treats Cubans:

We should have demanded the immediate deployment of international human rights monitors throughout Cuba.

And we should have insisted that Mr. Castro repeal the law that makes criminals of the refugees we are handing over in Havana Harbor (subject to 3-year prison sentences for trying to leave the country illegally).

Let me refer you, Mr. Tarnoff, to the May 8 letter to the State Department, my letter of May 8, requesting a detailed report on that subject and we hope we could have an early reply.

This new policy underscores the need for urgent action on H.R. 927, the Cuban Liberty and Democratic Solidarity Act introduced by Mr. Burton. Absent Presidential leadership, Congress should take steps to hasten the end of this kind of dictatorial regime and help the Cuban people rebuild their own country.

Let me add that we will be marking-up Chairman Burton's legislation at an early date. We have received comments from the administration on the legislation, and I understand that many of the technical issues raised by the State Department will be addressed.

The struggle for freedom in Cuba is at a critical stage, and we want the Cuban people to know that we in the Congress will try to do our part to assist.

Thank you, Mr. Chairman.

Mr. BURTON. Thank you, Mr. Chairman. On behalf of the majority of our subcommittee, we really appreciate your support and your leadership on this issue very much.

I think we have heard from all of our committee members. We will now listen to the statement by Secretary Tarnoff. Secretary Tarnoff, I understand your statement is a little longer than 5 minutes. Can you tell us how long it is?

Mr. TARNOFF. I think not more than 10 to 12 minutes. I have a much longer statement that I have provided to the staff.

Mr. BURTON. Since you are the focal point of the hearing, and I do not think anybody is under any misapprehension about that or misconception about that, I think we will allow you a little more latitude.

Mr. TARNOFF. Thank you, Mr. Chairman.

Mr. BURTON. Would all three of the panelists stand because we are going to swear all the witnesses. Would you raise your right hand, please?

[Witnesses sworn.]

Mr. BURTON. Thank you. Mr. Secretary.

**STATEMENT OF HON. PETER TARNOFF, UNDER SECRETARY
OF POLITICAL AFFAIRS, DEPARTMENT OF STATE**

Mr. TARNOFF. Mr. Chairman, thank you very much for the opportunity to testify before this subcommittee on United States policy toward Cuba. And as I mentioned a moment ago, I appreciate your indulgence in allowing me to summarize briefly what is a much larger statement of United States policy toward Cuba.

A much longer statement of United States policy toward Cuba which we have submitted to the subcommittee members and the staff. For over 30 years, during both Republican and Democratic administrations, the overarching goal of United States policy toward Cuba has been to promote a peaceful transition to a Democratic society which recognizes fundamental freedoms and respects human rights.

We are resolute in our opposition to the undemocratic regime of Fidel Castro, but we have no hostile intentions toward the Cuban people. Quite the contrary, the Cuban Democracy Act which passed with strong bipartisan support in 1992 and which this administration has faithfully implemented, both puts pressure on the Cuban Government through diplomatic isolation and economic embargo while at the same time directing humanitarian assistance, information and support to those among the Cuban people who engage in peaceful struggle for human rights and democracy.

Also consistent with the Cuban Democracy Act, we remain prepared to respond to significant political and economic reform in Cuba when irreversible change begins to occur. The Department of State has waged a vigorous international campaign focusing attention on the need for democracy and improvement for human rights situation in Cuba.

On December 28 of last year, the U.N. General Assembly passed a United States drafted resolution condemning systematic human rights abuses in Cuba. A similar U.S. drafted resolution which extended the Special Rapporteur mandate was adopted on March 7 of this year by the U.N. Human Rights Commission in Geneva. The United States also took the lead in deploring in the strongest terms ramming and sinking by Cuban Government vessels of the tugboat *13th of March* on July 13, 1994 which resulted in the deaths of at least 40 people. The horror of that tragic incident was described eloquently by the four survivors whose testimony was the centerpiece of a hearing before this subcommittee on January 25.

The Department also detailed at length in its country report on human rights practices for 1994, submitted to the Congress on January 31 of this year, the deplorable state of basic freedoms in Cuba. Numerous other impartial and expert studies including the 1994 report of the Inter American Commission on Human Rights in the Human Rights Report are critical of the Cuban regime.

But the thrust, Mr. Chairman, of our efforts are embodied in the Cuban Democracy Act which provides for two parallel approaches

to Cuba. One track maintains firm pressure on the Cuban Government by denying it legitimacy through international and direct pressures such as those that I mentioned a moment ago, but more importantly by imposing tough economic sanctions.

For example, the CDA added further restrictions on trade by United States subsidiaries abroad with Cuba. These provisions have reduced such trade from over \$700 million in 1992 to nearly zero today. In August of this year during the migration crisis, President Clinton imposed additional restrictions on remittances and transactions related to travel in Cuba.

We strongly believe in this administration that the embargo is the best leverage that the United States has to promote change in Cuba and that particularly in the year since Soviet support of Cuba has ended, it is working.

Mr. Chairman, while it is essential that we keep up this intense pressure on the regime, it is also important that we do what we can to empower those living under its yoke to be able to continue their struggle for Democratic reform in human rights. Let me stress something very important. These measures are designed to open Cuba to the world in selective ways that reinforce the message of Democratic reform without allowing the Castro regime and its government to exploit international trade or our hard dollars to perpetuate his dictatorship.

With the liberation of Eastern Europe, we have seen that non-governmental institutions such as business groups, churches, professional associations, news organizations, human rights groups, and political organizations can form the bedrock of democracy.

On migration issues. I would like now to turn to the recent migration agreements and explain to you how they serve the U.S. national interest.

The economic changes that have wrenched Cuba in recent years have had a powerful social impact. This reached a crisis point in the summer of 1994 when tens of thousands of Cubans set off in unseaworthy vessels in a desperate attempt to reach Florida. To save lives and ensure the integrity of United States national borders, the President ordered on August 19 that Cuban migrants rescued at sea would no longer be taken to the United States, but would be given safe haven at our naval base at Guantanamo Bay.

The President also instructed us to seek an agreement with the Cuban Government to bring an end to the uncontrolled migrant outflow. On September 9 of last year, we concluded such an agreement. The Cuban Government pledged to take effective action to prevent unsafe and irregular departures. It agreed to receive any rafter who chose to return to Cuba and about 1,600 have since returned voluntarily either through official channels or by walking or swimming directly from Guantanamo to Cuba.

For our part, we committed to ensuring that legal migration from Cuba increased to at least 20,000 per year, a higher figure than ever before.

The agreement has worked. The outflow of migrants seeking to reach the United States by raft and other unsafe means has been significantly reduced. In April, 1995, for example, Cuban migrants intercepted by the United States Coast Guard at sea totaled 189 as opposed to 726 in the same month last year.

The Castro accord also called for periodic meetings to review progress toward its implementation. Three such sessions have been held so far. Our ongoing review indicates that the Cuban Government has lived up to its commitment to use persuasive methods to dissuade Cuban citizens from unsafe departures. We have no evidence that violence or coercion have been used to deter such departures or that those attempting to leave the country using irregular means have been persecuted or discriminated against.

It is important to note that despite the lack of human rights and political freedom in Cuba, the Castro regime has kept its word by not taking action against the tens of thousands of Cubans who have applied for legal immigration to the United States at the United States Interests Section in Havana or against those who have returned voluntarily to Cuba from Guantanamo since September 9 of last year.

But notwithstanding the successful implementation of the September agreements, there remained a potential threat to our borders and thus to our national security posed by a new outflow of Cuban migrants which might have been stimulated by further economic dislocation in Cuba and by the uncertain future for those being in Guantanamo. To prevent additional loss of life at sea during the coming months and to find a responsible humanitarian solution to the problem of the Cuban migrants in our safe haven in Guantanamo, the President directed that we build on the September 1994 agreement to further regularize Cuban migration.

As you know, additional discussions were held with the Cuban Government last month which resulted in a new migration agreement. These discussions were unpublicized for one reason only, to avoid the very real possibility that rumors about these talks might trigger a massive exodus of new migrants by sea and over land seeking to anticipate any new United States-Cuban migration agreement. Such a panic would have presented serious risks of loss of life for Cubans as well as for United States military personnel at sea and at Guantanamo. We stress that these talks involve only migration issues. There were no side agreements or secret understandings.

The first element of the new migration agreement concerns the Cuban migrants currently at our safe haven in Guantanamo. We will continue to parole into the United States on a case-by-case basis all Cubans in the safe haven provided that they are not ineligible for admission because of criminal record, medical or physical or mental condition or the commission of acts of violence while in the United States safe havens. These people will be returned to Cuba.

We expect this process to take about 8 months resulting in the closing of the Guantanamo safe haven by early spring of 1996. The President has directed that the relevant Federal agencies work urgently to determine how the Federal Government can be of assistance to Florida in coping with these admissions, and there will be additional Federal funds for Florida for this purpose.

These special Guantanamo entrants who are expected to number approximately 15,000 will not represent the net increase in Cuban migration. They will be credited against the 20,000 annual Cuban migration figure which the United States agreed to in September,

1994 at a rate of 5,000 per year for 3 years beginning next September.

The second element of the May 2 agreement provides that Cuban migrants rescued at sea while attempting to reach the United States will be taken back to Cuba where United States consular officials will meet them at the dock and advise them how to apply to come to the United States through existing legal mechanisms.

Also returnees will be permitted to apply for legal migration, including through the expanded refugee program. The Government of Cuba has committed to the United States that no one will suffer reprisals, lose benefits or be prejudiced in any manner, either because he or she sought to depart irregularly or because he or she applied for legal migration to the United States.

As noted previously, the Cuban Government has lived up to a similar commitment made in the context of the September, 1994 agreement. We insisted that the United States would have to be able to verify for ourselves that rafters were not being threatened or penalized and Cuba has agreed that we would do so.

In private interviews, U.S. Interests Section officers verified that migrants have returned directly home from the processing center. They were able to return to their lives without repercussions for their illegal departures. Although there is one possible exception to this, a case that we are looking into.

The United States Government will continue to monitor the treatment of returned Cuban migrants through calls and spot visits by United States Interests Section personnel, reports from non-governmental organizations working on human rights and through direct reporting from the returning migrants and their families. The United States Interests Section will collect and maintain biographical information on returned migrants to facilitate their subsequent monitoring, and the Department will ensure that our office in Havana has the requisite personnel and resources to carry out these functions.

We in the administration feel deeply about the plight of the Cuban people, and United States policy as I described it is designed to bring about change in this sad state of affairs. At the same time we came to the reluctant conclusion that it was not possible for the United States to continue to admit all Cubans who sought to come here and that leaving migrants indefinitely in Guantanamo was neither humane nor sustainable.

But these migration agreements stand alone. They do not signal any change in our policy toward Cuba and it would be a serious mistake Mr. Chairman for anyone to encourage hope on the part of the Cuban Government that there has been or will be a change in United States policy toward Cuba as a result of these agreements.

With respect to the proposed legislation, let me say briefly that I know all members of the subcommittee share with us the objectives stated in the Cuba Democracy Act. Now, you, Mr. Chairman, and others have proposed legislation, the Cuban Liberty and Democratic Solidarity Act, elaborating on these goals. There are many aspects of this bill that we support. These include making the embargo more effective, accelerating planning for assistance to Cuba

under a transitional or democratic government, and protecting American property interests in Cuba.

As currently drafted, however, some of the bill's provisions would not effectively advance our ability to further a peaceful rapid transition to democracy in Cuba. One concern is to ensure that legislation not infringe upon the President's authority under the Constitution to conduct foreign policy, nor on his ability to respond appropriately to evolving situations.

In addition, a number of the bill's provisions could conflict with other important United States interests including our compliance with major international trade agreements including GATT, NAFTA and treaties of friendship and commerce and our arms control cooperation with and support for democracy in Russia.

One section might also conflict with U.S. obligations under the charters of international financial institutions such as the IMF and World Bank. Several provisions of the bill, particularly those concerning confiscated U.S. properties could be difficult to defend under international law.

As you are aware, our most important trading partners in Europe and North America have voiced their strong opposition to several provisions of the bill. If enacted, these provisions could well prop retaliatory measures that would severely disrupt essential U.S. trade relationships.

I agree completely that the administration and Congress should be able to work together on measures that are effective and do not result in complex international litigation and bitter disputes with major trading partners which would only delight and benefit the Government of Cuba. In conclusion, Mr. Chairman, let me say that recent discussions on Cuba in the press and elsewhere, have focused on migration questions and the legislative proposals now before the Congress. These are significant issues and merit serious debate. They should not, however, distract those from our fundamental goal of peaceful transition to democracy, respect for the human rights of the Cuban people and an open economy with opportunity for all.

Our policies are at least partially responsible for the halting steps being taken in the right direction on the economic front in Cuba. But the solution to Cuba's problems lie not beyond Cuba's borders, but within them. To resolve its current predicament, Castro's regime must look inward toward the Cuban people and dialog with them, not the political dialog with the United States or other foreign governments. Some in this country and abroad are calling for negotiations between the United States and Cuba over political changes on the island and also about what the United States would do to encourage such movement. This we will not do. The future of Cuba must be decided by the people of that country and this will happen only when democracy is practiced there.

Although the people of Cuba must determine their own destiny, we are ready to help them go the way of their neighbors in this hemisphere. And we look forward to the day when we will be able to work with a freely elected Cuban Government and welcome Cuba into the community of democratic nations. Thank you, Mr. Chairman.

[The statement of Mr. Tarnoff appears in the appendix.]

Mr. BURTON. Thank you, Mr. Secretary. We appreciate your statement and we will get to the questions in just a moment. I would like to recognize that several of my colleagues are here: Representative Serrano, Representative Rangel, and Representative Deutsch. We are into the witnesses' statements, so we will not be able to take any statements right now, but we will accommodate you shortly.

Admiral Saunders.

STATEMENT OF REAR ADM. NORMAN T. SAUNDERS, CHIEF, OFFICE OF LAW ENFORCEMENT AND DEFENSE OPERATIONS, U.S. COAST GUARD

Admiral SAUNDERS. Good morning, Mr. Chairman, distinguished subcommittee members. It is a pleasure to appear before you today representing our commandant, Adm. Bob Kranek. I have prepared a written statement which has been distributed. I would like to summarize that verbally.

I want to mention the Coast Guard's role in discouraging unsafe vessel departures and deterring illegal immigration from Cuba, as well as the impact the recent change in the disposition of Cuban migrants has had on the Coast Guard. I know firsthand the realities of Coast Guard operations regarding Cuban migrants as I have been responsible for operations in the Seventh Coast Guard District in Miami, as well as commanded cutters and shore units in that area. I will make four key points.

First, as the Nation's premier maritime law enforcement agency, the Coast Guard plays a key role in immigration law enforcement by interdicting undocumented aliens at sea. We are also the Nation's premier agency for the safety of life at sea. As the Cuban migrant interdiction mission is typically a blend of safety of life at sea and law enforcement, the Coast Guard is uniquely suited for this mission.

On May 2, 1995, the Attorney General announced that the United States and the Republic of Cuba had reached an agreement on steps to regularize their migration relationship. This statement declared that, effective immediately, Cuban migrants intercepted at sea and attempting to enter the United States would be taken to Cuba. This directly involves Coast Guard operations.

The second point I would make, however, is that our operations are not significantly changed by this announcement. We have allocated additional resources to the Florida Straits, but our patrol operations have not necessarily changed.

The Attorney General's statement announced a change in the disposition of Cuban migrants. The rest of our patrol process, such as detection, monitoring, interception and recovery, Coast Guard operations in a broad sense, are largely unaffected.

Compared to the previous disposition guidance for Cubans intercepted at sea, which as you recall was to take them to Guantanamo Bay, a return of Cubans to a port on the north coast of Cuba reduces the transit time of our cutters significantly. Reduced transit time means the cutter can return to the patrol area more quickly. With all else constant, this results in more efficient migrant interdiction operations.

My third point is that although it is too early to reach any conclusion, we expect the deterrent value of this statement to be significant. Prior to the joint statement, the number of Cubans intercepted at sea by the Coast Guard this year had started to increase as winter subsided and the weather improved. In March, there were 3 Cuban migration events with a total of 25 Cubans intercepted. In April, this increased to 16 events and 189 migrants. Based on historical observations and an analysis of the Cuban situation, we had anticipated more events in May than in April.

However, since the statement was announced and implemented on May 2, there have been substantially fewer vessels intercepted by the Coast Guard than expected—as a matter of fact, only 4 to date involving 47 migrants.

We are optimistic this disposition practice will encourage Cubans to utilize legal migration procedures and not take to the seas in overcrowded and unseaworthy vessels in illegal immigration attempts. Thus, we expect this disposition practice will enhance the safety of life at sea, deter illegal migration, and, because less Coast Guard resource time will be spent in transit, result in more effective Coast Guard patrols.

Fourth, the Coast Guard has implemented the guidance set forth by the Attorney General on the 2d of May. Those migrants intercepted at sea are advised they will be taken back to Cuba where United States officials will meet them at the dock and assist those who wish to apply for refugee admission to the United States at the Interests Section in Havana. Persons claiming a genuine need for protection which they believe cannot be satisfied by applying at the United States Interest Section will be examined by an officer from the United States Immigration and Naturalization Service aboard a cutter in the operating area. Those who do not have a valid need for protection will be returned to Cuba.

In summary, as the Nation's premier maritime safety and law enforcement agency, the Coast Guard plays a key role in enforcing the immigration laws and policies of the United States. We have fully implemented the operational changes engendered by the announcement of May 2. These changes do not degrade our maritime patrol operations, but rather enhance the effectiveness of our patrols. As a result, we anticipate the practice will reduce the number of Cuban migrants attempting the dangerous journey across the Straits of Florida and so enhance the safety of life at sea as well as reduce illegal immigration. Thank you, Mr. Chairman.

[The statement of Admiral Saunders appears in the appendix.]

Mr. BURTON. Thank you, Admiral. We will now hear from the Honorable Doris Meissner, Commissioner of the Immigration and Naturalization Service.

STATEMENT OF HON. DORIS MEISSNER, COMMISSIONER, IMMIGRATION AND NATURALIZATION SERVICE

Ms. MEISSNER. Thank you, Mr. Chairman, for the opportunity to appear before you today to discuss the administration's Cuban migration policy. The policy that the Attorney General announced on May 2 represents a major step toward regularizing immigration policies with Cuba and toward encouraging legal immigration processes. The policy is in keeping with the overall policies and pur-

poses of the Immigration and Naturalization Service which are to control our Nation's borders, enforce the Nation's immigration laws and promote safe, legal and orderly immigration including meeting our international obligations to provide protection to refugees.

Last summer, the INS and the Nation faced a real and deadly crisis. Tens of thousands of Cubans took to the sea attempting to reach the United States in boats that were not seaworthy. In response, President Clinton announced in August the Cubans encountered by the Coast Guard would be rescued and provided safe haven at the Guantanamo Bay Naval Station, Cuba, and later in Panama. The President's action was a swift, bold response which saved lives and helped to curtail disorderly and dangerous migration out of Cuba. But longer term solutions were needed to protect the United States and Cubans wishing to come here legally.

On September 9, the United States and Cuba reached an agreement based on our mutual interest in discouraging dangerous sea voyages, preventing alien smuggling, encouraging legal migration and facilitating the return of Cubans wish to go home from safe haven. A central critical feature of that agreement has been substantially expanded opportunities for legal migration in that at least 20,000 Cubans are authorized to come to the United States each year.

The May 2 accord builds on the September agreement with additional important steps toward regularizing migration from Cuba. The accord has three major elements.

First, parole will be authorized for eligible Cubans now at the Guantanamo safe haven to be resettled in the United States.

Second, Cubans at Guantanamo who are ineligible for admission to the United States under the Immigration and Naturalization Act will be returned home.

Third, Cuban migrants intercepted at sea or entering at Guantanamo will be repatriated to Cuba and advised of how to take advantage of in-country immigration and refugee programs.

Where resettlement in the United States is concerned, we will continue to bring to the United States those persons who are eligible for parole under the special humanitarian guidelines announced by the President last fall. All other Cubans in Guantanamo will be considered for parole on a case-by-case basis. The flow of parolees into the United States will not increase, but rather will continue at the current orderly rate of approximately 500 new arrivals per week until processing is completed early next spring.

Beginning in September of this year, 5,000 parolees from Guantanamo will be credited against the annual 20,000 Cuban migration figure for each of 3 years regardless of when the parolees arrive in the United States. Consequently, the overall legal migration level authorized under the September 9 agreement will not increase.

As in the case of existing parole referrals for children, the elderly and medical hardship cases, INS officers consider eligibility for parole on an individual case-by-case basis. Migrants will be screened for criminal records and medical problems. Sponsorships will be arranged by the Department of Justice's community relations service. Efforts will be made to resettle elsewhere in the United States those migrants without direct family links in Florida.

We believe that this deliberate approach as well as the reduced chance of mass uncontrolled migration will minimize the impact of the parole program on States and local economies, particularly in Florida.

Coming during the traditional start of the rafting season, the May 2 agreement seeks to halt dangerous irregular migrations from Cuba while safeguarding anyone who might be unable to pursue a refugee claim in Cuba. Cuban migrants now rescued or interdicted at sea by the United States Coast Guard are advised by United States officials that they are being returned to Cuba. A bilingual Coast Guard or INS official is aboard each cutter to ensure that information is provided to the Cubans accurately and to make sure that any questions the Cubans might have can be promptly answered. United States Government officials in Havana meet the returnees to provide information to migrants who wish to apply to come to the United States through the in-country immigration or refugee programs.

Cubans who illegally enter the Guantanamo Naval Base will be treated in the same way. Undocumented Cuban migrants who reach the United States, whether by sea or air are being placed in exclusion proceedings as are nationals of other countries.

As the Attorney General said on May 2, procedures are in place to examine the cases of migrants claiming a genuine need for protection that cannot be satisfied by applying at the intersection in Havana. Such claims are assessed by carefully trained INS attorneys and asylum and refugee officers based on an analysis of the totality of the circumstances. This analysis takes into account the availability of the in-country refugee processing program in Havana, the monitoring of the circumstances of returnees by United States officials in Cuba, and the fulfillment of assurances of safety by the Cuban Government.

The Government of Cuba has provided a commitment to the United States that migrants will suffer no adverse consequences or reprisals for illegal departure or for making application for legal migration at the intersection.

The May 2 migration agreements are consistent with INS's practices and mission. Together these two agreements provide a balanced framework for responding with compassion to the desire of many Cubans to come to the United States while enforcing our immigration laws in a fair and equitable manner. The INS supports a migration policy that is consistent for all nationalities and we encourage steps to promote safe, orderly and legal migration from Cuba.

Thank you, very much.

[The statement of Ms. Meissner appears in the appendix.]

Mr. BURTON. Thank you, Ms. Meissner. We will go to our first round of questions. I listened with great interest to all of your statements, and much of what you said relies upon the cooperation, honesty, and integrity of Fidel Castro.

When I went to Grenada after the President of the United States decided we should go in there to protect American citizens and to stop Communist expansionism in this hemisphere, I saw boxes of food and humanitarian aid at the airport. They were marked clearly on the outside "humanitarian aid and food." You know what was

really in those boxes? Millions of rounds of ammunition and thousands of AK-47s and all kinds of other weapons. This is the kind of man in whom you have put your confidence. He lies.

Che Guevara appears on his 3-peso currency printed everyday. And Che Guevara was killed in Latin America exporting revolution, killing people, murdering women and children for the cause of Communist expansionism.

Fidel Castro was instrumental in helping the Communist Sandinistas and the FMLN in El Salvador. He helped the Communists in Angola. And he helped the murderer, Mengistu, in Ethiopia. Yet this is the man in whom you have placed the confidence of the American people that he is not going to hurt the fleeing Cubans, returned to him by our Coast Guard and our Navy.

Some of my colleagues and I spoke with almost all of the Cuban leaders elected at Guantanamo. There was not one of them that said we should ease the embargo. They said we should strengthen it and we should not send people back to the hell hole that Castro has created.

As I mentioned before, we have people in the audience today who were at the Bay of Pigs and we have people in the audience today who suffered at the hands of Castro's dictatorship. I do not know if any of you folks talked to any of them, but I wish you would have. Before this decision was made I wish you would have gone to Guantanamo and spoken to the Cuban leaders about the situation in Cuba.

On February 28, Secretary of State Warren Christopher said that Castro's dictatorship was a brutal dictatorship. This was the Secretary of State, your boss, calling it a brutal dictatorship. And yet, we are returning women and children, many fleeing for their lives, back to this thug and we are saying he is going to treat them well.

It is just unfounded confidence in this man. Anybody who knows him or who has ever worked with him knows he cannot be trusted.

What I would like to ask Secretary Tarnoff is who was involved in the negotiations to send these people back? I would like to know because the President told some of the Cuban leaders in this room that he would not negotiate with Castro directly or indirectly in the open or in secret. So I would just like to know who was involved in the decisionmaking process.

Mr. TARNOFF. Is your question, Mr. Chairman, so I understand, Who was involved in the decisionmaking process or who was involved in the actual conversations?

Mr. BURTON. I would like to know both. Who was involved in the overall decision to make this policy change and who was involved in the negotiations?

Mr. TARNOFF. Well, on the negotiations, the conversations that took place in April, only I was involved for the United States and only Mr. Alarcon was involved for Cuba. On the question of policy formulation and the decisions made, that was determined by the President.

Mr. BURTON. So the President was involved directly in this decision?

Mr. TARNOFF. The President was involved in the decisionmaking process and the authority for me to conduct those talks came from him.

Mr. BURTON. That is interesting because we have been led to believe that that was not the case. Now I hear the President was directly involved in the decisionmaking.

Mr. TARNOFF. Yes, Mr. Chairman.

Mr. BURTON. Before this decision was made, did anybody speak, with the Cuban leaders in Miami or the Cuban leaders in Guantánamo that have just fled Castro's dictatorship about these negotiations?

Mr. TARNOFF. I do not have an answer to that, Mr. Chairman, because I was not involved personally in the consultations that may or may not have taken place. I can provide that information after consulting with my colleagues, but I do not have, I do not know the answer to your question.

The response is, "No."

Mr. BURTON. You said that only you negotiated with the Communist leader in Canada to make this policy change. Did you discuss anything else regarding our policy toward Cuba? You said no other agreements were made, but did you discuss anything else that might have led them to believe that we were going to have a policy change?

Mr. TARNOFF. There was certainly nothing in the conversations that would have led Alarcon to believe that a policy change was contemplated. I might say that in every discussion with Cuban officials, whether it be in Havana, New York, or elsewhere, Cubans are always probing to see whether a change might be in the offing. Whether there is an intention to modify the embargo, modify other aspects of the policy and although it was not the focus of our talks, when asked about it, I repeated exactly what I said before the subcommittee today.

Mr. BURTON. Mr. Torricelli.

Mr. TORRICELLI. Thank you, Mr. Chairman. Mr. Chairman, you and I cannot bring the passion to this issue of our Cuban-American colleagues, but we may have a different perspective that allows us to bring some understanding.

It is extraordinary to me that so many people who champion the cause of America as a refuge for Soviet Jews, Haitian refugees, fleeing dictatorship, now believe that it is justifiable to close the doors of the United States. It is extraordinary to me that people who championed an American embargo against South Africa because of apartheid, in Iraq or Libya because of their international policies, now believe that an American embargo against Cuba is not justifiable.

It was a proud moment when President Clinton proclaimed the only effective means of ending illegal immigration from Haiti to the United States was to remove the Haitian dictatorship. He was right then. A similar, indeed an identical statement, with regard to Cuba is required now.

And for purposes of consistency, indeed for democratic solidarity in this institution, those who argued then that it was improper, indeed probably illegal to return refugees from the Haitian dictatorship to the hands of those offenders of human rights, I believe have an obligation to come forward now and speak to the plight of Cubans or explain the inconsistency. If it was wrong to return desperate Haitians to the hands of a 2-year-old Haitian dictatorship,

it certainly cannot be justifiable to do so to the hands of a 35-year-old Cuban dictatorship.

Mr. Chairman, consistency is an important part of any policy. I believe the administration shares our commitments to ending this dictatorship. I believe in administration support of the Cuban Democracy Act because it is a fact it would not be law today if not for Bill Clinton's personal involvement.

It is critical now on a bipartisan basis across the ideological spectrum that any questions about American intentions, our solidarity in ending the Cuban dictatorship, be made evident to those within Cuba and in the international community.

I believe, as I have communicated to the administration, the most effective means of doing so, that there are elements of Chairman Burton's legislation of which there should be no disagreement. This Congress is going to pass the Burton bill. Make no mistake about it. A majority of Democrats in the subcommittee supported it. Every Republican supported it. Every Republican, I believe, in the full committee will support the legislation. I believe a majority of Democrats will support the legislation.

The Cuban Democracy Act passed the House of Representatives with an excess of two-thirds of those voting. Since that time in excess of 40 people who opposed the Cuban Democracy Act have left this Congress. When the Burton legislation goes to the floor of the House of Representatives, it will pass overwhelmingly. That is the reality.

I do not believe that President Clinton in the final analysis will oppose individual provisions, barring entry to the United States of foreign nationals who are in possession of confiscated or stolen American property. In the defense of the interests of individual American citizens, I do not believe that that will be President Clinton's position.

There is, therefore, no reason to await legislative action. By Executive order, the President has the authority to implement that policy tomorrow. I urge you to do so for the message that that would send inside Cuba and the international community.

Second, the United States is under no obligation to maintain sugar quotas with any country. They are not now distributed on an economic basis. There is a strong political component for which country receives those quotas. As surely as they are given, they can be redistributed. In my judgment, they have not been revisited in many years in any case. The quota that has been denied Nicaragua for years should now be restored. The administration does not have to explain why it is being redistributed, but it makes no sense to distribute that quota to nations which in turn import sugar from Cuba. Both of those actions can be taken by Executive order.

Finally, Mr. Chairman, if I could, before the subcommittee went to mark up on this legislation, we invited the administration to submit amendments that would improve the legislation. I believe Mr. Burton, members of the subcommittee, are sincere in wanting to make this bipartisan, and indeed Mr. Menendez and I, some of the most important provisions of this legislation actually are taking legislation Mr. Menendez wrote or I wrote. It is bipartisan.

We have sought the administration's suggestions to improve the legislation. That offer still stands. Before, in June we go to mark

up in this full committee, I hope that we have the administration's recommendations so we can improve it.

But finally, there is in Ms. Sherman's letter to Mr. Gilman of April 28 reference to several provisions which she takes issue. One is the Russian aid question. I have read recently in press reports in the Miami Herald—just in case the Speaker is watching, this does not come from any intelligence source—that in the new agreement on the Russian intelligence facility in Cuba, the Cubans have successfully negotiated Cuban access to information from that facility.

I understand the administration's arguments about verifying arms control and the need for the Russians to have confidence. But it appears to me based upon what I have now read in the public press that that has changed. Cuba is now using that facility itself. In other words, the Cuban Government is now getting access to domestic telephone conversations, and is now able to spy upon the United States.

For us not to use the leverage of the Burton bill in urging the Russians to cease that access and indeed, reducing the United States assistance to Russia as a consequence, I think would be a disservice to our own people. I suspect, I would hope, revelations about that fact since the receipt of Ms. Sherman's letter would change the administration's position on this matter.

I will reserve a variety of other questions, Mr. Chairman, until the second round. But I would invite the Secretary's comments if you would on anything that I have now raised.

Mr. TARNOFF. Mr. Chairman, I would only like to respond in the same spirit that you and Mr. Torricelli have expressed here, and that is to engage the administration in active discussions with you on the provisions of the bill. I touched on some of these issues. Many of them are more technical. There have been continuing revisions and we will be with you to look at those provisions.

On the specific question of revision and access to the Lourdes facility, I had not heard that, Mr. Torricelli. We will look into it and we will provide a response.

[The response of Mr. Tarnoff follows:]

We have no new information that would confirm that the Cubans are using the facility.

Mr. BURTON. We appreciate this indication of a spirit of cooperation. I only wish the administration and the State Department had demonstrated that same feeling toward the Congress before you made this decision. It would have been nice to have the State Department meet with the leaders of this committee in closed session, and discussed this before going public with it and making a change of 30 years of our foreign policy. Ms. Ros-Lehtinen.

Ms. ROS-LEHTINEN. Thank you so much, Mr. Chairman. Mr. Tarnoff, what records exist of the secret negotiations? Is there any written or audio record? And would you be able to provide the subcommittee with such records?

Mr. TARNOFF. No, there were no written or audio records kept. I had one conversation of about an hour in New York in a public place. And in Toronto I met with Alarcon for about 3 hours. All of our conversations were on migration issues with the exception that I noted to the Chairman in response to his question on that. And

the issues were relative to the migration question and particularly on the Guantanamo——

Ms. ROS-LEHTINEN. Thank you. Who else was present with you or accompanied you on those trips, what U.S. officials?

Mr. TARNOFF. No one.

Ms. ROS-LEHTINEN. If you could briefly explain the President's role in these talks. You had said that he was cognizant of the fact that you were going to negotiate in secret. Could you tell us whether the President might have initiated this idea or if not the President was it Morton Halperin who initiated? If not Mr. Halperin, could you tell us who initiated the talks and also then expand a little on the President's role in these negotiations.

Mr. TARNOFF. Here again I am not able to give you anything near a full picture of this because I did not meet personally with the President in the course of this period of time. My sole interlocutor, my counterpart, in the White House was the Deputy National Security Advisor Sandy Berger. We were in constant touch about these matters and he assured me every step of the way that he was in touch with the President and others in the White House.

Ms. ROS-LEHTINEN. And Mr. Halperin?

Mr. TARNOFF. I did not have any dealings with Mr. Halperin over the instructions that I had or over the reports that I was providing as a result with my conversations with Alarcon.

Ms. ROS-LEHTINEN. So Mr. Berger was the one who spoke to President Clinton?

Mr. TARNOFF. Mr. Berger provided me authorization to proceed and he assured me that he had received total approval up the line and that the President was fully informed of the initial conversations that I conducted and the development of the talks that were——

Ms. ROS-LEHTINEN. And after your talks, You reported to whom?

Mr. TARNOFF. To Mr. Berger.

Ms. ROS-LEHTINEN. And Mr. Berger reported to?

Mr. TARNOFF. Again, Mr. Berger assured me that he was speaking with the authority of the President, both with respect to my instructions and the matters that were decided afterwards, but he was my channel of communication.

Ms. ROS-LEHTINEN. But who spoke to the President directly? Who would that individual be?

Mr. TARNOFF. I cannot tell you that.

Ms. ROS-LEHTINEN. Would you be able to provide us with that information?

Mr. TARNOFF. I will refer the question to the White House and if it is in the list of questions, we will make every effort to be responsive.

[The information follows:]

President Clinton authorized the high-level negotiations and was kept informed of their development by his principal National Security Advisors.

I reported the results of each of the two sessions I had with Mr. Alarcon to the Deputy National Security Adviser, Sandy Berger, and I understand that this information was given to the President.

Mr. BURTON. Yes, it is. Thank you. Did your talks include the issues that we have brought up such as the Lourdes plant, the Juragua nuclear plant, the Helms-Burton bill, any of those items?

Mr. TARNOFF. No, those items did not occur and we deliberately did not want to get into from the United States' perspective any political issues. It was our determination to make sure that the agenda was on the migration agreement and the new elements that we were discussing together and none of these elements, none of these issues were discussed—

Ms. ROS-LEHTINEN. Thank you. Following up on Mr. Torricelli's question about the inconsistency of our policy that we go to the United Nations to denounce Fidel Castro as one of the worst violators of human rights in our hemisphere and beyond, yet we deport freedom seeking Cubans to this country in cooperation with the Cuban authorities. I would like to ask you if you do not see an inconsistency in that policy.

Mr. TARNOFF. I do not believe so. Although I understand the concern and I certainly realize that Mr. Torricelli agrees with members of the committee and the administration with respect to the character of the Castro regime.

This agreement is not based on trust or confidence. It is not based on a validation of the Castro regime in any way, shape or form as I tried to make clear in my statement. What it is based on is U.S. national interest and experience as well as enforcement.

The experience that we have had since September 9 of last year when tens of thousands of Cubans have returned to that country indicates to us that with respect to this narrow band of issues the Cuban Government has held to its agreement not to take any reprisals against the people who have been returned—

Ms. ROS-LEHTINEN. And following up on that reprisal question, if I may, Mr. Tarnoff, there have been press reports of reprisals taking place already, the people who have been repatriated. Do you believe those press reports or do you not?

Mr. TARNOFF. Our experience is substantially different. We have had U.S. Interests Section officers in touch with all of the people who have been returned and conversations with them and our continuing contacts with them, we do not believe that reprisals have taken place. There is one exception that I mentioned before. There is a case involving an individual who feels at risk, not physically but because he was able to resume his previous employment situation. We have raised this at very high levels with the Cuban Government and that matter is now pending clarification—

Mr. BURTON. Thank you. And one more question. The calibrated steps that we have discussed previously, how would you define what calibrated steps Castro has taken to respect human rights in Cuban that we should reward him with any easing of sanctions that we have against him?

Mr. TARNOFF. I see none whatsoever.

Mr. BURTON. Mr. Menendez.

Mr. MENENDEZ. Thank you, Mr. Chairman. Let me just start off by saying that before I ask my questions, one of our witnesses later will make a statement, which I concur with greatly and that is the testimony of Elliot Abrams.

He says in this statement, that in 1973, Andrei Sakharov wrote an open letter to the United States Congress urging it to pass the Jackson amendment with reference penalizing the Soviet Union and other Communist countries for their refusal to allow freedom

to emigrate,, which Sakharov called, simply a defense of international law.

He strongly warned against a policy of principle which he said would be a betrayal of those who sought to emigrate and tantamount to total capitulation of democratic principles in the face of blackmail the seed in violence. And he goes on to say I believe we have recently seen such a capitulation to the Castro regime. I believe so as well.

Let me ask you with reference to your answer where you said that you did not meet with the President personally. So when you say on page 11 of your testimony that the President directed that we build on the September 1994 agreement to further regularize United States/Cuban migration relations, you are saying that by virtue of Mr. Berger's statements to you?

Mr. TARNOFF. That is correct.

Mr. MENENDEZ. When did you get your authorization to proceed, on what date?

Mr. TARNOFF. The conversations that I held with Mr. Berger took place prior to the April 17 meeting. We had several conversations in the course of the 3 or 4 days beforehand and after my meeting in New York with Alarcon, there were several additional meetings during the course of the week before the sessions in Toronto.

Mr. MENENDEZ. You cannot pinpoint the date for me?

Mr. TARNOFF. I mean, I can, I talk to Mr. Berger on various matters six or eight times a day, but I can assure you, and I will go back to my logs if that is of any interest to you——

Mr. MENENDEZ. I would appreciate your doing so. But you are saying some time prior to April 17.

Mr. TARNOFF. Prior to April 17, I was authorized to explore a series of ideas involving the meeting that I had with Alarcon. There were no proposals made at that time. After I returned from New York, the results of those conversations were assessed basically along the lines of the agreement that emerged. And only after these matters were discussed within the administration was I then authorized to——

Mr. MENENDEZ. When did you meet with Mr. Alarcon? When did you meet previous before your meetings in Toronto? When did you meet with Mr. Alarcon?

Mr. TARNOFF. I met with him in New York on April 17.

Mr. MENENDEZ. On April 17. Now, in response to Ms. Ros-Lehtinen's questions, you said 3 hours in Toronto and an hour in New York. That was the total amount of your discussions? So in 4 hours we changed over three decades of foreign policy of this country. Four hours. That is all it took to convince Castro's dictatorship to accept this without any response, without any innuendo that they would receive any benefit. It only took 4 hours to convince them to accept such an agreement and they got nothing else in return.

Mr. TARNOFF. I assume that during the interval between the April 17 meeting and the discussions 10 days later in Toronto that Alarcon had every opportunity to consult with his government with respect to their position.

Mr. MENENDEZ. Let me ask you. You said on page 11 there remained a potential threat to our borders. This is of your testimony

presented before the committee. And thus, to our national security posed by a new outflow of Cuban migrants. Now, what you are saying to the committee is that such an outflow of migrants is a threat to the national security of the United States?

Mr. TARNOFF. I believe that an unregulated threat from whatever source of large numbers of people entering this country illegal does represent a threat to the national security.

Mr. MENENDEZ. Now, how many people cross the border between the United States and Mexico each year?

Mr. TARNOFF. Hundreds of thousands.

Mr. MENENDEZ. As a matter of fact, I believe it is one million people cross annually between the United States and Mexico. Therefore, under your statement and since you represent the administration here, we have a national security threat from the enormous migration that comes across the border from Mexico. Is that a correct statement?

Mr. TARNOFF. Congressman, we make every effort to intercept and deter those——

Mr. MENENDEZ. But you have not used the Armed Forces of the United States to intercept the national security threat that you say that 30,000 caused when you have a million people crossing the border.

Mr. TARNOFF. We have used law enforcement——

Mr. MENENDEZ. Have you used the national defense in terms of the military of the United States for such an action? Yes or no.

Mr. TARNOFF. I think the conditions are different. We have used law enforcement agencies of the U.S. Government——

Mr. MENENDEZ. The conditions are far different, Mr. Secretary. There is a million, or multitude of reasons versus 30,000 in this case. You say that that is a national security threat. Well, we have one hell of a national security threat going on then, don't we?

Mr. TARNOFF. We have a situation with respect to Mexico that we are trying to improve with respect to the unauthorized flow of people——

Mr. MENENDEZ. But we do not use our military forces to do so.

Mr. TARNOFF. We use law enforcement——

Mr. MENENDEZ. One more question, Mr. Chairman, before I yield my time. Is it or is it not Cuban law in fact says it is a crime punishable by imprisonment in jail, and I also understand ultimately considered treason, to leave Cuba. And if that is so, in your negotiations did you seek for such law to be repealed?

Mr. TARNOFF. It is Cuban law that there would be penalties against people who are leaving the country illegally. This has been a matter that has been discussed with the Cubans going back to last summer because it technically could have applied to the people who are being returned under last summer's agreement. The Cubans said that this law would not apply to these people who were being returned——

Mr. MENENDEZ. Where is that in your migration, where is that in your joint statement? Can you show it to me?

Mr. TARNOFF. We do not have it in the joint statement——

Mr. MENENDEZ. So you took them at their word that they would not enforce their own law against their people which they have in the past.

Mr. TARNOFF. Not on the word, Mr. Menendez. As I said before—

Mr. MENENDEZ. Where is it in the agreement, Mr. Secretary?

Mr. TARNOFF. May I continue? The experience that we have had since September where there have been tens of thousands of Cubans who have been returned who technically could have been prosecuted under that law led us to believe that the Cubans would continue to not enforce.

Mr. MENENDEZ. You did not ask for its repeal.

Mr. TARNOFF. We did ask for its repeal, but we did not make it a condition for the migration.

Mr. MENENDEZ. You asked for its repeal during the 4 hours of conversations you had with Mr. Alarcon, yes or no.

Mr. TARNOFF. It had been raised, yes.

Mr. BURTON. And they did not concur?

Mr. TARNOFF. They did not concur and they had not concurred when the issue was raised last summer.

Mr. BURTON. Representative Smith has one or two questions and then we will break for a vote and return shortly.

Mr. SMITH. Thank you, Mr. Chairman. I appreciate Mr. Diaz-Balart for permitting me to go ahead of him. Mr. Tarnoff, I have a number of questions, but time does not permit it at this point.

I joined Ambassador Valladares in Geneva when he was successful and I happen to have thought it was brilliant getting the United Nations assembly focused on human rights in Geneva to look at the human rights violations in Cuba, to investigate, to send fact finding teams. Had it not been for his personal witness and the tenacity that he brought to bear to that task, it would not have happened, knowing as you do and I do of the way that that body has worked in the past.

The Cuban Government gave iron clad commitments to the United Nations that there would be no retaliation against anyone who came forward to bear witness to the cruelty and the barbaric actions that have been committed by Castro's thugs. They were told in advance, "come forward and there will be no retaliation." Well, people came forward. They spoke to the U.N. fact finding teams only to find themselves severely harassed, some imprisoned and mistreated in a myriad of ways.

Just recently, within days, Francisco Chaviano was given a 15 year sentence on trumped up charges that our own Interests Section can testify were bogus. So here is a human rights activist in the midst of, with the backdrop of this Clinton/Castro accord on the table, a human rights activist now getting 15 years in imprisonment. The history of the Castro regime is replete with, I mean, those who have not read "Against All Hope", Valladares' book, ought to read his recollections of the barbaric treatment of people for their political thought and opinions.

My question is what does the Clinton administration do when the credible evidence comes forward as I believe it will, past is prologue. They have given assurances before and they have broken them with impunity. What will the administration do when this credible evidence, and there are already news reports that there has been some retaliation against those who have come back. My good friend from New Jersey pointed out that it is still their law

to imprison people who seek to escape. What will the Clinton administration do when that evidence comes forward with regard to this accord?

Mr. TARNOFF. First of all, Mr. Smith, let me say that I have read the book. I have met with Mr. Valladares and I have the same reaction that you do to his testimony and to the witness he has provided.

If the Cuban Government does not comply with the provisions of the agreement, the United States will consider what appropriate action should be. This agreement is based on actions that the Cubans have committed to.

Let me add a clarification to this and that is that if there are individuals who return to Cuba under the program who are subjected to harassment that the Cubans have said would not be the case, this might, and I stress the word might, qualify them to come to the Interests Section and apply for political refugee status.

Mr. SMITH. I know we have to break, but they might be in jail as well.

Mr. BURTON. The committee will stand in recess until after this vote.

[Recess.]

Mr. BURTON. We will extend courtesy to our good friend Mr. Rangel from New York.

Mr. RANGEL. Mr. Chairman, let me thank you for the courtesies that you have extended to me since assuming the chair and this is especially so as it relates to Cuba which is a very sensitive issue since we have so many Americans that have a background that relates to Cuba. And they emotionally, like we, traditionally would hope that soon, and very soon, that democracy will be there in Cuba, and therefore within our hemisphere, and that we can all enjoy a better quality of life.

I do recognize that anything that is said about how we attain this democratic situation in Cuba is very sensitive and painful to people who have different ideas and how to achieve it. It just seems to me to compare the situation that we have in Cuba to the racist oppression of blacks by the minority regime in South Africa when we collectively had an embargo for a short period of time that worked with this 30-year-old embargo I think is distorting it.

When we talk about a democracy that was overthrown by a military government that killed, plundered, and continued to do this with those people who supported the democracy, I fail to think that that situation exists today in Cuba, but again it is an emotional issue. The bill that you sponsored in the embargo with Senator Helms, I have told you privately and publicly, I am glad to see that you have done it because I think it really brings us into the international community to see what embargo's all about in this hemisphere and if you are prepared to push a bill that violates the international treaties that we all have, I think that the only thing we will end up with is either a compromise or veto.

But on the issue that we are dealing with today is one that concerns itself with immigration. And for years we have had an immigration policy that seemed to invite any Cuban by whatever means is necessary to come to the United States and to show his disdain

therefore for communism and the dictatorship of Fidel Castro and be considered as a hero no questions asked.

I could not understand why our State Department would uphold such a policy when we had visa authority in Cuba and we never asked people who wanted to leave the country to apply for a visa. I do not see where anyone that is seeking safe haven would be denied that if they applied for a visa. I do not see where any of our laws to protect those people that are looking for political asylum have been taken away. I think what we have done is joined the family of nations, in saying that we do have immigration laws and that people who just take it upon themselves to come here that we are not going to tolerate it.

As a matter of fact, there are so many questions that really have been asked as to whether or not the committee was involved in making the decision and who was involved in making the decision. And I remember so clearly on the day that the President made the decision just to turn people back and go to Cuba, there were a lot of very influential Cuban Americans, some that will testify in the next panel, but was encouraging the stopping of Cubans from coming into the United States. However, I understand there has been a change of opinion. We are all entitled to have that.

But Mr. Secretary, even though some people on this committee would believe that the State Department has no right to make any decisions without informing the Congress and certainly as a member of the Ways and Means Committee you might tell Secretary/Treasurer, I do not want to see any tax bill without inviting me down there to discuss it as well.

I do hope that we can give assurances that our government is going to protect everybody that is returned to Cuba. I want you to give assurances that those people that are seeking to leave Cuba for fear of political persecution, that we allow whatever Americans that are there to make certain they have access to a process, that this visa authority that we have had over all of these years that we have invited people to risk their lives and come here, that we use the legal method and allow people to apply.

And I want to join with my friends to give some type of assurances that just by returning Cubans that it does not mean we are turning our backs on these people. We have immigration laws that are to be respected. We have international agreements that are to be respected and we have an international responsibility to be the leader in democracy in the world and to make certain we respect the rights of those people seeking it.

Now, I want to know what assurances that you can give me and others that make differ in how to bring democracy to Cuba, how we can assure those people that are in fear of their lives that it is going to be protected.

Mr. TARNOFF. Mr. Chairman, let me respond to the two parts of Mr. Rangel's question as I understood them. First, with respect to the people who are returning to Cuba, we have no higher priority than to make sure that they are not going to be interfered with and that they will have every opportunity, every information available, every facility, to come to the intersection, to be in touch with our counsel officers, so that they are aware of what opportunities there are for them.

As I stated previously in response to other questions, you are not doing this on the basis of trust or confidence in the Castro regime. There is no credibility for us to have those assumptions. But we nonetheless have been able in an unprecedented way to send United States officials to points in Cuba with very little advance notice to the Cuban Government. Normally, there has been a 3-day waiting period. That has been waived in this case. And again, we are only 2 or 3 weeks into the policy, but I can assure you that these issues are very much on our mind.

Mr. RANGEL. Well, Mr. Secretary, on that point, I do not think it would help for a lot of Members of Congress to go on its own to monitor this. But if that does become necessary, I would want to be a part of that group to make certain that we are monitoring the safety of those people who have been returning to this dictatorship. The other point was——

Mr. BURTON. Charlie, we have two more panels and we are trying to limit everybody to 5 minutes. We will have another round and if you are still around, we will——

Mr. RANGEL. Let me thank you for this courtesy and I would like to work with you and this committee to see whether or not the differences we have in the approach that where we do agree at least we can work together on that. Thank you, Mr. Chairman. Thank you, Mr. Secretary.

Mr. BURTON. We appreciate that, Charlie. Mr. Lincoln Diaz-Balart.

Mr. DIAZ-BALART. Thank you, Mr. Chairman. Mr. Tarnoff, following up on Congressman Menendez's questions, you said you had two meetings with Alarcon, one on April 17 and one 10 days later? One was 1 hour and the other was 3 hours. Which was the 1-hour meeting?

Mr. TARNOFF. The meeting in New York.

Mr. DIAZ-BALART. On April 17? Was that the time when meetings were either occurring or about to occur between our State Department, meetings that Mr. Hays was involved in scheduled to meet with and Mr. Alarcon.

Mr. TARNOFF. This was just prior to the meeting that Mr. Hays had with the migration delegation.

Mr. DIAZ-BALART. Did you inform Mr. Hays, who was the head of the Cuba desk and the State Department's senior Cuba coordinator of the fact that you were meeting with Mr. Alarcon?

Mr. TARNOFF. No.

Mr. DIAZ-BALART. Was that instruction given to you also by the President, to keep the State Department in the dark?

Mr. TARNOFF. Well, we did not keep the State Department in the dark.

Mr. DIAZ-BALART. Let me see if I am incorrect. Mr. Watson was not aware.

Mr. TARNOFF. Yes, he was.

Mr. DIAZ-BALART. Oh, he was aware.

Mr. TARNOFF. Yes.

Mr. DIAZ-BALART. OK. Well, then that is a—there is a discrepancy there between what Mr. Watson had told us. But let us talk about the official public meetings then that were going on. At the

time that you met with Mr. Alarcon they were about to commence. I think they commenced on April 18.

Mr. TARNOFF. That is correct.

Mr. DIAZ-BALART. Did Mr. Berger tell you not to tell Mr. Hays that you were going to meet with Mr. Alarcon or you had met with Mr. Alarcon?

Mr. TARNOFF. No, but what we did decide to do was to establish a list of people, put together a list of people who were authorized to work on this issue. And again, for the same reasons that I explained in the context of my testimony with respect to Members of Congress or other consultations, we were very concerned that if these matters became public knowledge, this would provoke a massive outflow of people by sea and on the ground in Cuba toward the United States vessels offshore and possibly into Guantanamo. The circle was very tightly held.

Mr. DIAZ-BALART. They were public, this was a public meeting on behalf of the Government of the United States that was taking place between Mr. Hays, and the same person that you were negotiating with and you did not inform the representative of the United States Government who was also meeting with Alarcon that you were meeting with Alarcon.

Mr. TARNOFF. That is correct. Because the agenda for that meeting was very different. The agenda for that meeting was part of the regular follow up to the September agreement.

Mr. DIAZ-BALART. So whereas the representative of the United States Government, Mr. Hays, did not know that the person that he was negotiating with (Alarcon) was also going to be meeting with you, certainly the representative of the Castro Government knew that he would be meeting with you.

Mr. TARNOFF. That is correct.

Mr. DIAZ-BALART. Is your Chief of Staff, Mr. Goldwyn?

Mr. TARNOFF. Yes, he is.

Mr. DIAZ-BALART. Was he in Cuba the week before the May 2 announcement?

Mr. TARNOFF. Yes.

Mr. DIAZ-BALART. Do you know what he was doing there?

Mr. TARNOFF. Yes, of course, I know. He was there with Mr. Nuccio who was the special advisor to Assistant Secretary Watson. He has been following Cuban matters for me which has taken about maybe 5 percent of my time, given my overall responsibilities. And several months ago it was proposed that he might visit Cuba to meet our Interests Section people, and to meet Cuban groups. Again there was no relationship between the visit of Mr. Nuccio and Mr. Goldwyn with the talks that——

Mr. DIAZ-BALART. There is no relationship between the announcement May 2 and the visit of your chief of staff the week before to Cuba.

Mr. TARNOFF. None whatsoever.

Mr. DIAZ-BALART. So someone who is involved 5 percent of his time on Cuban issues was dealing in secret negotiations with the Castro Government while the Cuban experts in the State Department were in the dark on this issue.

Mr. TARNOFF. The Assistant Secretary for Latin American affairs was aware——

Mr. DIAZ-BALART. Yes, but the Cuban desk. They were in the dark.

Mr. TARNOFF. The Cuba desk was not informed.

Mr. DIAZ-BALART. They were not informed. So can you explain then as to why your lack of trust with regard to the people who were working 100 percent of the time on Cuban issues?

Mr. TARNOFF. Representative, it has nothing to do with lack of trust. I have great personal regard for Mr. Hays.

Mr. DIAZ-BALART. Let me ask one final question because I see the little red light has gone on and we have to abide by it. You stated that the rationale for this agreement, this secret agreement, was basically that you could not keep people in Guantanamo because of a fear that things would happen. Did any of the intelligence cables from Guantanamo indicate a threat of violence at the camps?

Mr. TARNOFF. Could I refer that question to General Sheehan who has supervisory responsibility for the camp? I think he is better—

Mr. DIAZ-BALART. But somebody told you that the reason for your meeting with Alarcon was necessary. No? Mr. Berger?

Mr. TARNOFF. That is right. We were told by the reporting officers in Guantanamo, the people who were down there—

Mr. DIAZ-BALART. Mr. Berger told you then that there was a risk of violence at the camp?

Mr. TARNOFF. Not only Mr. Berger. We had Members of Congress who were visiting Guantanamo. We had leaders at the Cuban-American community who were visiting Guantanamo and they were unanimous in telling us that unless there was a way to resolve that situation, that it could become very unruly.

Mr. DIAZ-BALART. But you do not know if there were any intelligence cables indicating that there was a threat of violence at the camps.

Mr. TARNOFF. Well, as I say, there was an accumulation of many reports that came including from public visits by Members of Congress, most of whom reported to us that there was a very serious risk of disruption and disorder in Guantanamo.

Mr. DIAZ-BALART. But you first told me, let me refer to General Sheehan because you were not aware of any cables, am I correct?

Mr. TARNOFF. Well, I am trying to respond to your question about cables. I do not recall—

Mr. DIAZ-BALART. You do not remember any cables.

Mr. TARNOFF. But the information was very, very complete.

Mr. DIAZ-BALART. I have more questions. I guess we will have another round. Thank you, Mr. Chairman.

Mr. DIAZ-BALART. Mr. Wynn.

Mr. WYNN. Thank you, Mr. Chairman. Actually, I wanted to follow up with Mr. Tarnoff and also hopefully General Sheehan to get some background on the situation at Guantanamo and how they evaluated it. Unlike some of my colleagues, I do not have the familiarity with the immediate situation. So if either of you gentlemen could share with me the circumstances which led up to the U.S. policy decision, I think that would be helpful.

Mr. TARNOFF. I wonder if General Sheehan could give the background with respect to the situation in Guantanamo?

General SHEEHAN. I would be happy to. I had responsibility for both the operation ongoing in Haiti——

Mr. BURTON. General, I do not mean to question your integrity, but we are putting everyone under oath. Would you rise and let me put you under oath?

[Witness sworn.]

**STATEMENT OF GEN. JOHN J. SHEEHAN, COMMANDER IN
CHIEF, U.S. ATLANTIC COMMAND**

General SHEEHAN. First off, in response to your question, I have overall responsibility for both ongoing operations in Haiti and the Cuban and Haitian migrant operations in Guantanamo Bay, Cuba. As we went down the interview process with the INS and the CNS, both the Haitians and the Cubans in the camps at Guantanamo Bay, Cuba, it was very readily obvious that there were groups of Cubans that were going to remain in the camp. We estimated that number to be about 1,500.

During the course of the last 5 months, there have been a number of instances where Cuban migrants out of sheer frustration have walked back into the minefield and as a result they have lost arms and legs, in some cases their lives.

The Marines who are on the post down there have risked their lives to go into the minefields to pull these Cubans out because they were returning to Cuba. They have also jumped off the cliffs and swam back to Cuba because of frustration with the policy process.

The number of times that I have been there with Members of Congress and myself personally talking to the leadership in the camps they have clearly indicated that with an absence of an exit strategy when there was nothing to do and it is 120 degrees on McAlla Airfield when you are living in tents that civil disturbances, civil disorder, was a venue in which to bring attention to their plight at the camps at Guantanamo Bay, Cuba. We have had 3 instances, 2 in Guantanamo Bay, Cuba and 1 in Panama where 110 United States soldiers were injured as a result of civil disturbances. We were spending \$1 million a day in Guantanamo Bay, Cuba to house these migrants. And so in the cables that I reported up through the chain of command clearly it was obvious to me, to the people in the camps not just military but the INS CRS people that by July there was a major outbreak of civil disturbance in those camps.

Mr. WYNN. Thank you very much, General. Mr. Tarnoff, with respect to Cubans who are repatriated back to Cuba, there are provisions for monitoring their treatment. Could you comment on that? How do we make sure they are not abused, they are not tortured when they return to Cuba? I think that is a very legitimate concern with the current policy.

Mr. TARNOFF. Yes, I understand. First of all, the primary responsibility for the initial monitoring of the people who are being returned lies with the U.S. interest section in Havana. In other words, the State Department office there.

We have made sure that that office has the personnel and the resources to be able to carry out that monitoring function and we have received assurances from the Cuban Government that our

Embassy officers, our diplomats and some are going to be able to travel freely throughout the country so as to be in touch with the Cubans who are returned. There have been approximately 24 Cubans who have now been returned.

We have had a program. This is only over the last week or so, but a program of intense contact with them through visits and phone calls and we continue to be able to have access to them. We will make sure that this monitoring program is carried forward as long as the situation exists.

Mr. WYNN. Has there been any evidence of retaliation against those returnees, those persons returning?

Mr. TARNOFF. There is one case which we are looking into which involves an individual who said that he had a problem returning to his previous employment. The questions were raised about that. This only came to our attention yesterday. We are exploring the situation with him and we have raised it with senior levels of the Cuban Government.

Mr. WYNN. Thank you.

Mr. BURTON. Mr. Deutsch.

Mr. DEUTSCH. Thank you, Mr. Chairman. I appreciate the courtesy of allowing me to sit on the dias and ask questions. Before I follow up on some questions, I just, since I did not make an opening statement, just to mention from the prospective of the district 90 miles from Cuba, that really we seem to have a schizophrenic policy right now overall, not in terms of just this incident. But at the same time we, in U.N. meetings we describe the Cuba dictatorship as the worst human rights violator in the hemisphere, a country on par with one of the worst in the history of the world. Yet, we are sending people back into that hell hole.

At the same time we have a Torricelli bill, we are at the same time negotiating about really the highest levels of our Government. If our goal is what is professed to be, and I believe that it is at every level. I do not impute any kind of bad intentions to change a Castro dictatorship. Then unfortunately, the policy we have in place does not seem as if it will lead to that goal. It is the policy, the two halves of this policy are working against each other.

Let me, and I hate to do this. But if we can shift back, I want to focus because I do not believe there have been any questions to Commissioner Meissner. Focusing on a relatively specific issue regarding the political asylum process aboard the ships.

And if you could go into some detail in terms of what actually has occurred to the migrants on the vessels in terms of what has actually taken place in terms of their ability to make a prima facie case of fear, of well grounded fear of persecution which my understanding is the standard that is used.

What is going on, and I guess one of the concerns I have because I have had the opportunity to visit Guantanamo on several occasions as well as Jamaica in terms of INS processing, that there were outside observers, independent agencies on a continual basis at every step along that way. I have to expect that your answer is that there are no independent assessments of the level of screening on those ships and specifically is it contemplated that there will be by some of those same officials who have been at other locations to assure an objective analysis in terms of that type of screening.

Ms. MEISSNER. Thank you. Let me begin the answer by saying that we are absolutely committed to providing protection where it is needed for people from Cuba who might be refugees. We are working very closely with the Coast Guard on this issue as we have done in the past operationally.

We have trained officers aboard every cutter. There have been two ships so far since the May 2 announcement. Our officers who have been either attorneys or trained asylum officers have been there. Through our office or the Coast Guard, we have Spanish language capability and we read an announcement to the migrants advising them that they will be returned to Cuba, that they have the opportunity to apply for legal immigration through either the immigration programs that are presently operating from Cuba or through the in-country refugee program.

We advise them that we have assurances from Cuba that they will be safe and that the United States will be in a position to monitor their safety, and that if they return when they return they will be met by United States Intersection personnel at the dock.

We then allow for conversation and in the conversations if Cubans present any information whatsoever that gives us a concern, we talk to them further. Now, we have been very careful in these first groups to be absolutely certain that our officers are applying the standards that they are trained to apply. All of the information that has been gleaned from these conversations on the cutters has been sent to us in Washington.

We have reviewed all of that information in detail and so far we have not had a case where we have reason to be concerned about the person's ability to apply safely through our refugee or our immigration program in Havana. As a result—

Mr. DEUTSCH. As I see it, my time is about to end. Two real quick things. First, if the transcripts or tapes of those conversations, I do not know, it is up to the chairman obviously, but with all due respect hopefully we can get some kind of independent verification of that if the chairman wants to take it upon himself with the staff of his committee to take a look at those transcripts. I think it would give some comfort in terms of INS really process.

The other thing is really in specific, if you can answer my question, my understanding is at Guantanamo, at every major migrant operation that INS has done, there are and I forget the sort of list of names of the U.N. organizations and international organizations that have been monitored. But is there any contemplation to get independent U.N.-type migrant organizations involved in monitoring the process?

In other words, when I observed migrant interviews, both in Guantanamo and in Jamaica, the first person that people spoke to was not an INS official. They were officials of independent agencies explaining to people what their process was and what their rights were. I mean, is there any contemplation to give some more legitimacy to this process at this point in time?

Ms. MEISSNER. We are doing this as carefully as we possibly can and we are open to whatever is required. We are using our very best trained officers. We believe that we have a very fair process in place, but we will do everything that we can to be sure that that is true.

Mr. BURTON. We will get back to you on the second round. Could the documents to which he alluded and the possible recordings of these conversations be provided for the committee?

Ms. MEISSNER. I will have to look into that. I do not know the answer to that. I mean, I just do not know at this moment whether that is protected information or not, but we will look into it.

Mr. BURTON. Well, if this information is available, you let me know and we will see if we can get them for the committee.

Ms. MEISSNER. Absolutely.

Mr. BURTON. So you will get back to me on that?

Ms. MEISSNER. Yes.

[The information appears in the appendix.]

Mr. BURTON. I have listened very attentively to all of the statements. As I understand it now, there was a secret meeting with leaders from the last Communist regime in our hemisphere to return people to a dictatorship with a horrible human rights record that has been condemned repeatedly by the U.N. Human Rights Commission and by other human rights organizations.

This dictatorship has lied and undermined governments, not only in our hemisphere, but around the world. It has a government that you, Mr. Secretary, have admitted has refused to repeal the law that would accuse people of committing treason because they were trying to escape to freedom. Even though they refused to repeal that law, we have decided to send them back to Cuba because Fidel Castro or his representative gave his word—for whatever that is worth—that those people are going to be protected and treated right.

As time goes by, it is going to be very difficult to monitor his treatment, especially since Castro's government has been very selective in allowing human rights groups into certain areas of that country. If you talked to people who have been in Cuban prisons, they very rarely saw anybody from a human rights group. People have disappeared out of their homes in the middle of the night never to be heard from again down there. They have a block captain system which is traditional in Communist regimes to report on people who have even said wrong things. And here we are sending people back with no guarantees. I know you say you have got a guarantee, but, as I think Representative Menendez asked a while ago, Is that in writing? I think you alluded to the fact that there was not anything in writing that would guarantee that these people would not be subject to the law that we were talking about.

Mr. MARTINEZ. Can I interrupt you for 1 minute? Were you terminating the first round of questioning?

Mr. BURTON. This is my first round, second round of questioning. We are going to go to everyone else.

Mr. MARTINEZ. But I did not get in on the first round.

Mr. BURTON. I thought you made a statement just a moment ago.

Mr. MARTINEZ. No.

Mr. BURTON. Oh, then we will get right to you just as soon as I finish this. What sort of additional contacts are now going on with the Castro government? Are you meeting with the same gentlemen for any other purpose? Is the Department of State meeting with anybody else in the Castro government for any other purposes right now?

Mr. TARNOFF. Yes, we have an Interests Section in Havana and there are regular contacts going on in Havana including at high levels principally involving the head of our Interests Section Mr. Sullivan.

Mr. BURTON. What are those discussions concerning?

Mr. TARNOFF. There may be a range of visa issues and logistics issues, but Mr. Sullivan, who is the principle officer in our Interests Section, is personally responsible for making sure that the policy of implementation of this agreement that I described is being carried out. And he has regular conversations at high levels with the Cuban Government on these matters.

Mr. BURTON. What access will he or his staff have to ensure the safety of the people that are being returned under this new program?

Mr. TARNOFF. Our experience over the past 10 days has been that every time we have asked, in addition to the United States officers who meet the people returning at the dock and meet them at the center in Havana, we have had people constantly in touch including physically with the two groups that have returned, one to Camaguey and one to Santa Clara, and the approval of the Cuban Government for our officers to travel has been granted immediately.

Mr. BURTON. So you trust the Castro regime.

Mr. TARNOFF. No, Mr. Chairman, I do not trust them and I have said this two or three times. On the basis of our experience over the 9 or 10 months or 8 or 9 months since the September agreement, and on the basis of their commitment to allow us, to monitor the agreement, we believe that we have a credible basis upon which to guarantee that this is taking place.

Mr. BURTON. Since you do not trust them, why would you think that they might not lie to you or mistreat these people under the cover of darkness? There probably is going to be more abuse. If you do not trust them, why would you go ahead with this kind of a policy change?

Mr. TARNOFF. Because we believe that the experience that we have had over the last 8 months involving tens of thousands of people who have applied for immigration to this country has revealed that at least in this narrow area of activity, the Cuban Government has not ordered reprisals against these people. It was on that basis that we felt it was possible to proceed with the new agreement.

Mr. BURTON. I hope that you or one of your staff members will stay to hear the next two panels because there will be Cuban-Americans testifying about the Castro regime and his trustworthiness. I think it is very important that somebody report back to you because I know you will probably be leaving. Mr. Martinez.

Mr. MARTINEZ. Thank you, Mr. Chairman. Let me just very quickly ask a question of the INS Commissioner. The policy change is what the big issue is here. Why the policy change? I do not see that there is that much of a policy change in the fact that I visited a detection center in Imperial Valley where South Americans from all over South America, including a few Cubans, were detained for processing whether they legitimately were political asylum candidates or if they had any other reason why they should not be de-

ported because they had entered in legally. Is not this pretty much the same thing you are doing in this case?

Ms. MEISSNER. In this case, we are as we said we are trying to move to a regularizing of immigration policies between the United States and Cuba and part of that involves Cuba being prepared and willing to accept the return of people that are not eligible to enter the United States.

Mr. MARTINEZ. That is pretty much as it has been in other administrations for as long as I can remember, but I would like to ask the general a couple of questions because I think the idea of the policy change was predicated on some of the things that happened at Guantanamo Bay or the potential, let us say explosive nature of the situation at Guantanamo.

I know that they spent \$135 million to remodel the facility to be able to adapt it to the number of people they were taking in, and they spend somewhere around \$1 million. Could you elaborate on what your input was to the eventual decision to do something rapidly, especially like you said before, before the summer months and where potentially, I come from two perspectives. One, I am a Latino and I know the nature of Latinos can be very hot blooded and hot tempered.

And the other is that I have spent a good number of years in the Marine Corps and as one former marine to a marine, I ask you these questions because I know the history of the Marines in all these situations, especially in Guantanamo. I would have like to have gone to Guantanamo. Instead they sent me to Guam to do what we called coral cave duty and from there we went to China to train national soldiers.

And I was there when the Chinese Communists took over and I saw a whole era of bad policy by both the Chinese leaders and the American leaders. But could you elaborate on those things about the conditions at Guantanamo and the expenses and how that deters from military readiness because I believe that kind of expense spent there has to deter from military readiness.

General SHEEHAN. Yes, sir. As you well know, the whole issue the first part of this year had to do with the supplemental to reimburse DOD for the O&M dollars spent on operations in Haiti and Guantanamo Bay, Cuba. In the Cuban case specifically in Guantanamo Bay, it was costing DOD \$1 million a day to run a minimal care type of facility. And that essentially was feeding, clothing, essentials on an absolute bare base type environment.

We had spent over the last 7 months about \$135 million as you said to bring the quality of life up to the minimum standards so that the women and children who were in the camps, the Cuban doctors, the educators, that we brought there to make that quality of life minimum. I was about ready to release another request for \$100 million to make that a more permanent facility.

So we are talking in the vicinity of \$250 million of O&M dollars. None of that is free from O&M dollars. That has a direct impact on the operations and maintenance the readiness of the United States Forces I command. I command 80 percent of the United States Forces and right now I have one-third of those forces or some 6,000 of them that should be deploying and doing training tied up at Guantanamo Bay, Cuba.

I think it is, and I have even gone so far as to suggest that we allow many of these migrants to enlist in the U.S. military. This is a very talented group of people. Fifty-two percent of them are high school graduates. Nine percent of them have college degrees, 2 percent have Ph.D.s. There are 127 doctors in that camp.

Now, once you get through all the process though, you are stuck with 15,000 young males who are about 18 to 24 years old or 32 years old, very few women with zero exit strategy. In McAlla Field in the summer time, it is 120 degrees and we do not have enough hurricane shelters to protect those numbers of people.

As a result as I have said before, there are Cubans who are mutilating themselves. They are injecting diesel fuel into their veins in order to get into the hospitals in hopes that they can come to the United States for medical treatment. They were mutilating themselves with tent stakes in order to get into the hospital in hopes that we would ship them to the United States, to come to the United States. They were jumping off the cliffs and swimming back to Cuba. They were going through the mine fields.

We put U.S. Marines at risk going into those mine fields to save those Cubans. That is wrong. And you would have had wholesale problems. We have seen it twice in Guantanamo, once in Panama, and in July and August when you get 15,000 young Cuban males who the only thing they can do is menial tasks and play soccer and play baseball, but you run out of ideas all around July and August, it would have been a very, very ugly scene. We would have had U.S. servicemen hurt. We would have had Cubans hurt unnecessarily.

Mr. MARTINEZ. Thank you, General. One more question. Does the Pentagon, well, maybe it is a double headed question. The Pentagon's view of the administration's policy and do they support it.

General SHEEHAN. Ambassador Holmes who was Office of Secretary of Defense policy has a prepared statement. I would like to have him submit that for the record. But I think his statement says that OSD and JCS and I personally support this policy.

Mr. MARTINEZ. Thank you. Thank you, Mr. Chairman.

Mr. BURTON. Ms. Ros-Lehtinen.

Ms. ROS-LEHTINEN. Thank you so much, Mr. Chairman. Mr. Tarnoff, following on the who knew and when did they know theme of these secret talks, let me see if I have this correct. The President knew. Mr. Berger knew. Secretary Watson knew. Mr. Hays did not know. Mr. Goldwyn did know?

Mr. TARNOFF. Yes, he did.

Ms. ROS-LEHTINEN. And Mr. Nuccio did not know.

Mr. TARNOFF. That is correct.

Ms. ROS-LEHTINEN. I would like to then ask you about the role of Florida Gov. Lawton Chiles. Did he know of these secret negotiations and when was he informed of these, of this arrangement?

Mr. TARNOFF. I cannot answer that because I had no contact with him myself. I am sure we can provide the answers to that.

[The response follows:]

I was advised by Deputy National Security Adviser Berger that Governor Chiles had been consulted prior to my April 29 meeting with Alarcon and that he was informed on May 2 that an agreement had been reached.

Ms. ROS-LEHTINEN. We would appreciate that. Thank you. And the Members of Congress as you might or might not know were notified as far as I know most of us by a phone call from Secretary Watson just hours before the announcement but on the same day. Would you consider that to be normal procedure for the Department of State?

Mr. TARNOFF. No, it is not normal procedure——

Ms. ROS-LEHTINEN. Thank you. The role of Attorney General Janet Reno, if we could briefly discuss that. Did she know of this secret negotiation?

Mr. TARNOFF. Yes, she did.

Ms. ROS-LEHTINEN. She knew of both dates before they took place?

Mr. TARNOFF. Yes, she did.

Ms. ROS-LEHTINEN. So she was informed before the talks took place. Was she fully briefed after the talks took place?

Mr. TARNOFF. I assume that she was, but I was not, although I did meet with her on one occasion in connection with this, the channel for communication on these issues to the Attorney General, and she will have to speak for herself, was primarily through Mr. Berger.

Ms. ROS-LEHTINEN. Do you know if she had a meeting with the President to discuss this negotiation?

Mr. TARNOFF. I do not know the answer to that.

Ms. ROS-LEHTINEN. And to follow this channel of communication because it seems to get to Mr. Berger's circle and then I am not sure whether there are some layers between Mr. Berger and the President. Are there other individuals that do not enable us to continue to follow that chain, Mr. Halperin or any other individuals who are buffering between Mr. Berger and the President? Or is that a direct link?

Mr. TARNOFF. My——

Ms. ROS-LEHTINEN. Regarding these secret negotiations.

Mr. TARNOFF. No, no. I understand. Well, I was told, although I did not have any conversations with him, that Mr. Lake, the National Security Advisor, was aware of the intentions.

Ms. ROS-LEHTINEN. Mr. Lake was aware that the talks had taken place? Before they took place?

Mr. TARNOFF. My understanding is that he was fully briefed beforehand with respect to the first conversation I was supposed to have. Again, I did not have any of these conversations directly with him and I just do not know precisely how far the circle extended in the White House.

Ms. ROS-LEHTINEN. And to get a clearer perspective of who initiated the idea of having secret talks paralleled to the not open negotiations, but certainly not secretive, not open to the public, but announced let us say, announced negotiations. Who came up with that idea? I know I had asked before, but the answer was not clear to me. Any individual that you know who might have initiated this? Or do you know where the idea came from to hold parallel talks, one public, one private?

Mr. TARNOFF. Well, again, we had been in the course of the past 2 months or so thinking about the situation in Guantanamo. We had been doing that within the administration.

Ms. ROS-LEHTINEN. But was it Mr. Lake who first said, Pete, we have been discussing this. We think we should have this and I have discussed it with Tony and I have discussed it with Sandy and who came up with that idea?

Mr. TARNOFF. I cannot trace exactly where that particular idea came from. But the subject of Guantanamo is one we have been deliberating in the administration for the last two or three—

Ms. ROS-LEHTINEN. No, I know. I am talking about the idea of having secret talks. Who came up with that idea as a solution?

Mr. TARNOFF. I am not—

Ms. ROS-LEHTINEN. OK. And just one last question. I know my time is up. Will the United States be lifting any sanctions, relaxing any sanctions, that we now impose on Castro? I have asked that before. I just want to ask it in a different way to make sure that we get the same answer. Is the United States about to enter into any of those agreements to lift any sanctions currently in place within the next 6 months?

Mr. TARNOFF. Well, certainly on the agreement front to answer that question first—

Ms. ROS-LEHTINEN. Excuse me?

Mr. TARNOFF. On the question of agreements, you used the word agreements, which seemed to imply that there might be further on-going conversations with Cuba—

Ms. ROS-LEHTINEN. The sanctions that we now have against Castro, against Cuba, the ones that are currently in place, will the United States be lifting or relaxing any of those sanctions? Whether they are cultural exchange programs that you are going to expand, whatever sanctions that we have, any changes that we can expect?

Mr. TARNOFF. There is certainly no intention with respect to the sanctions. But let me come back to what I said with respect to the Cuban Democracy Act and that is that we are continuing to assess ways in which we can both reinforce the embargo, and I think in this context of our conversations with you over the proposed legislation can be quite helpful. But also at the same time looking for ways to engage those Cubans who are struggling for democracy in productive activities—

Ms. ROS-LEHTINEN. Remittances to Cuba, flights to Cuba, all those August 20 arrangements that were put into place when the so-called Cuba refugee crisis was—you know that there are a lot of press reports saying that you are about to lift that. So you know what I am trying to get at. I am not talking about the Cuban Democracy Act.

Mr. TARNOFF. I understand.

Ms. ROS-LEHTINEN. All the sanctions in place right now, please respond, will we be lifting those?

Mr. TARNOFF. There is no intention with respect to those sanctions, but I must say that you added cultural exchanges and other types of programs which are not part of the sanctions regime but are at least contemplated in the Cuban Democracy Act. And there are no specific plans with regard to those activities as well, but I do want to reiterate that we are determined to continue to explore to see whether there are ways consistent with the Cuban Democ-

racy Act to reach out, encourage those forces in Cuba working for democratic change.

Mr. BURTON. It sure sounds like you intend to take incremental steps toward Castro's regime. My colleague, Mr. Torricelli.

Mr. TORRICELLI. Thank you, Mr. Chairman. General Sheehan, it may not have been your intention. It may have been contrary to your purpose, but I heard no testimony here today that made the case more strongly, more succinctly for the difficult of returning Cuban refugees to Cuba.

People who are so motivated by their thirst for freedom that they inject diesel fuel into their veins and mutilate their own bodies, they are not only the kind of citizens that America needs, they make the case more clearly than I ever could. Based on a respect for human rights, defining the nature of the Castro regime of returning those people to the grips of Fidel Castro's dictatorship.

What is it about a person that motivates them so strongly that they will take a knife to their own body or shoot a needle into their veins? What is it about a government or how it treats its people that someone would do that to themselves? That is the reality of Fidel Castro. That says more than any editorial, any State Department spokesman, any well-intentioned person at a cocktail party speaking about Castro or his government, that is Fidel Castro and that is what we are sending people back to.

I wonder, Secretary Tarnoff, if you could characterize for us the difference between our monitoring program for people who are returning to Cuba and the monitoring program in Haiti where we visited the villages, individually tracked the people to ensure that there was no retribution taken about it, the resources available and our ability to ensure that they are safe. Could you contrast the two realities?

Mr. TARNOFF. I was not deeply involved in the Haiti policy or the Haiti operation. So I would like to be able to respond more fully after considering the question. But the one thing that we do have here are the resources and determination to make sure that it would be possible for us to monitor this situation. And again, this required a change in procedure. The procedure was not justified. But not having had a personal experience in this area, it nonetheless required a change in procedure with respect to notification to the Cuban Government concerning diplomatic travel.

[The information follows:]

The U.S. government will monitor the treatment of returned Cuban migrants through spot visits by U.S. Government personnel, reports from non-governmental organizations working on human rights and related fields and through direct reporting from the returned migrants and their families. The U.S. Interests Section (USINT) in Havana will collect and maintain biographic information on returned migrants to facilitate subsequent monitoring.

During the initial monitoring visit to returnees, the migrants are told that USINT will remain in contact with the migrant to verify his/her well-being and encourage the returnee to contact USINT by telephone or appear personally at USINT in case of any difficulty pursuant to his/her attempted illegal exit. A number of the returnees have been able to come to USINT to check in. In case returnees are unable to contact USINT, they are requested to send word through family members, fellow migrants, or organizations of which they are members. USINT has also encouraged churches and any other organizations with information on the returnees' wellbeing to contact USINT with any information they have regarding possible reprisals.

Monitoring of Haitian repatriates in 1994 (under the de facto regime) included: extensive country conditions reporting trips throughout Haiti by Embassy person-

nel, focusing on security conditions and the treatment of repatriates in general; spot checks on individual returnees for whom specific addresses were available; oral explanation to all repatriates, before disembarkation from USCG cutter, about the in-country refugee processing program; distribution of written addresses and telephone numbers for the three centers in Port-au-Prince, Cap Haitien and Les Cayes and invitation to anyone who felt at risk to contact the nearest center, either in person, by telephone, or through an intermediary; and close monitoring of repatriations, until all returnees had been escorted out of the port by the Red Cross or, in the case of those detained by Police, until they had been transferred from the port to jail. The Embassy tracked detainees until their release from custody, occasionally providing for their welfare. In addition, the Embassy maintained contact with human rights and refugee organizations that carried out their own monitoring activities.

Mr. TORRICELLI. Let me help with the contrast. The President's policy in Haiti was that if we were going to return people to Haiti, parenthetically a policy we later abandoned because it could not be justified on human rights, then officers of the State Department were going to visit the villages and the families and track the safety of people who were returned.

In Cuba by contrast, we do not have enough consular officials to even conduct our current visa policy, no less travel the country and ensure that people are safe. This is one of the reasons why, consistent with our own and the President's own belief and the respect for human rights, the policy I think cannot be safely implemented. It is simply a thought that I want to leave you with.

Second, if you could respond, I have advised the administration privately, as I have suggested today in this testimony, that correcting the impression, whether justifiable or not, that there is a change in American policy toward Cuba that we are not abandoning our policy of economic pressure on Fidel Castro is best pursued by not awaiting for this Congress for the inevitable passage of Mr. Burton's bill, but in issuing an Executive order dealing with restrictions on visas to people with confiscated American property and the reassigning of sugar quotas for those importing Cuban sugar.

Is it your assessment, did you agree with me that the President has that power to do both of those things himself?

Mr. TARNOFF. I do not know the answer to your question based on legal grounds. I am not a lawyer. I am not familiar with this authority.

Mr. TORRICELLI. Well, I would like your response. Both as a lawyer and a Member of Congress, it would be my assessment the President has complete authority in the issuance of visas that remains in the power of the Secretary of State. People who have confiscated American property it would be my assessment the Secretary of State tomorrow morning can stop denying them access to the United States.

And second, the power to reassign our sugar quotas remains under Executive authority. The President can reassign it without explanation if it is done contrary to American interests and I urge you finally to do so.

Additionally, if I could in concluding, President Clinton a year ago concluded that the only answer to illegal immigration from Haiti to the United States was to end the dictatorship that was forcing people at risk of their own lives to flee Haiti. It was a prin-

cipled policy that set the United States on a clear course to end the dictatorship.

I can think of no difference in the Haitian dictatorship and the Cuban dictatorship. The motivation of people to flee Haiti and the motivation to flee Cuba and the soundness of the rationale that ultimately the only answer was to end the dictatorship. This is an opportunity for you to concur and that indeed there is no contrast with Cuba. Ultimately, that is the only answer for illegal immigration from Cuba. End the dictatorship. Could we have you publicly concur?

Mr. TARNOFF. I concur completely.

Mr. TORRICELLI. I thank you for doing so. Mr. Chairman, I think that additionally one thing that we may want to ask is that as Ms. Ros-Lehtinen has suggested, if there is to be any change in any aspect of the embargo, either those things as elements of law or that were implemented by the administration a year ago with remittances and travel. But in any nature affecting the economic and travel relationship of the United States and Cuba. We take the administration at its word that there are no negotiations for doing so, no intentions of doing so.

But in the spirit of the bipartisan nature of the conduct of American foreign policy, if that for unforeseen reasons is to change, I would trust as gentlemen, ladies, that this Congress would have at least 90 days notice so that if indeed we did not concur, we had the legislative opportunity to place into law those provisions of trade and travel policy that the Congress might render its own judgment and place legislation on the President's desk.

Ninety days in my judgment would be sufficient so that there is no change that would then have to get reversed by law, but that there could remain a continuity. I would ask you now to consider, and I would, Mr. Chairman, with your indulgence, the time to respond in us having that 90-day opportunity in notice to maintain all current aspects of American law with regard to the embargo.

Mr. TARNOFF. Representative Torricelli, I note your proposal. This is the first time I have heard of it. If it is presented to us and in the regular way, we will certainly consider it and respond.

Mr. TORRICELLI. Mr. Chairman, you may want to respond to that as well.

Mr. BURTON. Yes. I would add to what Mr. Torricelli just said. I would like to request that for any additional agreements that may be contemplated by the State Department, the NSC, or the administration, that they contact Mr. Torricelli and myself and members of this subcommittee to discuss the agreements before the fact so that this lack of communication does not occur in the future.

These secret negotiations not only cause consternation among many, many Members of Congress who want to see Castro out, but it also makes us doubt the administration in their conduct of foreign policy. We start worrying about where they are going. We start worrying about the cooperation between the Congress and the President and the administration.

We, this committee, and the International Operations Committee, are supposed to be partners with the administration in the conduct of foreign policy. And for us to be kept in the dark when

a policy of 30 years is changed until after the fact is just unthinkable.

So I would just suggest in addition to what Mr. Torricelli said, if you are going to mess around with more secret agreements, at least talk to the leadership before you make those changes. Mr. Diaz-Balart.

Mr. DIAZ-BALART. Thank you. Mr. Tarnoff, following up on one of Mr. Menendez's questions. The decision not to make a condition precedent to your agreement with Mr. Alarcon, the repeal by Castro of his law that requires a sanction against people who leave, was that instruction that you not make that a condition precedent of the agreement, was that instruction given to you before April 17 or in the interim between April 17 and your Toronto meeting.

Mr. TARNOFF. There was no discussion of that issue on April 17, but in the intervening period when we were meeting within the administration to consider what the outlines of what our policy might be, we did review that issue. As I mentioned before, that matter had come up in the context of the negotiations this past August with the Cuban representatives which led to the September 9 agreement. It was not resolved at that point either.

Mr. DIAZ-BALART. So you did not bring it up even on April 17, you are saying?

Mr. TARNOFF. I did bring it up in Toronto, if I may continue.

Mr. DIAZ-BALART. In Toronto.

Mr. TARNOFF. It was therefore decided that I would raise the issue as one of concern, but that it was not a, sorry, the phrase you used——

Mr. DIAZ-BALART. Condition.

Mr. TARNOFF. A condition for the agreement because we had the experience since last September of tens of thousands of people who had come freely to the United States Interests Section and in effect the Cuban Government had not applied its own legislation. I think we have to remember this is not a country of laws. It is a country of autocratic personal rule and in effect that legislation has not been applied with respect to the people coming to the Interests Section since last September.

Mr. DIAZ-BALART. So you decided before you concluded the negotiations in Toronto, you would make it a condition. There are reports today that you do not give credence to. I have seen reports in the press that the first 13 refugees who returned were harassed, that the mother of one of them was harassed by State security, that they were all or most of them already being followed by State security. You have said that you do not give credence to those reports.

What steps does the administration contemplate if any, what steps do you anticipate or contemplate taking if you do confirm that harassment takes place? And what proof do you need that harassment is taking place? In other words, what does the administration consider harassment or persecution? And if you confirm it, what will you do if anything?

Mr. TARNOFF. I think and I do not mean this definition to be totally exhaustive, but elements of harassment would be physical threats to these people, denial of their lodging or their livelihood, employment obviously. And I stated this one case which we are

looking into and a variety of measures of intimidation or worse that could take place.

Again, our experience with the 13 is that they have not suffered this. As a matter of fact, 7 of the 13 came to the United States Interests Section in Havana several days after their release to Camaguey which is where they were sent to, and several of them are considering applying for regular admission to the United States. It turns out that one of the individuals had during his absence received a letter from the U.S. Interests Section notifying him that he was a beneficiary of the visa lottery that had been conducted.

Mr. DIAZ-BALART. So what you are saying is that the allegations that the refugees made to the press do not satisfy your definition of persecution or that they lied to the press. Which one of the two?

Mr. TARNOFF. Well, the verification that we have conducted does not confirm that they were subjected to these pressures. But I might add, and I do not know whether you were present when I said this before, that if through the regular procedures we are able to confirm in discussions with these individuals that they are being subjected to reprisals, there are two things that we would contemplate.

First of all, looking at the agreement itself if it does not appear to be enforceable as we had contemplated, but second, on an individual basis these people might qualify for political refugee status and they can be heard and processed in Havana.

Mr. DIAZ-BALART. Are you aware of reports that refugees from Guantanamo have been sent to the fields to do agricultural work?

Mr. TARNOFF. Excuse me—

Mr. DIAZ-BALART. Who have returned from Guantanamo.

Mr. TARNOFF. No, I am not.

Mr. DIAZ-BALART. Are you aware of any charges having been brought against Cuban State security personnel within Cuba for killing Cuban citizens and wounding them in Cojimar in July 1993 for attempting to leave Cuba illegally?

Mr. TARNOFF. No, I am not.

Mr. DIAZ-BALART. Are you aware of any charges having been brought against Cuban State security personnel for beating to death Cuban youth in Kenaglana in October, 1993 for attempting to leave Cuba illegally?

Mr. TARNOFF. No, I am not. But here again, I would like to be able to consult my colleagues. It may be that some of this information is available in the State Department. I am not personally aware of it.

Mr. DIAZ-BALART. So you are not aware then. Are you aware of any charges having been brought against anyone at all for the murder of over 40 men, women, and children by, by people from the Cuban regime in July 1994 when they sank the *March 13th* tugboat?

Mr. TARNOFF. No, I am not.

Mr. DIAZ-BALART. I see my little red light, Mr. Chairman. Thank you.

Mr. BURTON. Mr. Menendez.

Mr. MENENDEZ. Thank you, Mr. Chairman. I was hoping you would give me a few minutes extra like you forgot to turn the clock

on before. Mr. Secretary, as a diplomat, do you not believe that historic dates have importance in our diplomacy?

Mr. TARNOFF. I do.

Mr. MENENDEZ. Who asked for the meeting on April 17? Who set that date?

Mr. TARNOFF. The meeting was suggested by Alarcon the week before when he arrived in New York. Then after I asked for the purpose of the meeting, he said that——

Mr. MENENDEZ. I have limited time. Who asked for that date? Did you say let us meet on the 17 or did he say let us meet on the 17?

Mr. TARNOFF. That was the only time because of the travel schedules that we could both be there.

Mr. MENENDEZ. The only time because of travel schedules. Do you know what April 17 is?

Mr. TARNOFF. I am aware of the date.

Mr. MENENDEZ. Would you tell the committee what April 17 is?

Mr. TARNOFF. Yes, it is the anniversary of the Bay of Pigs.

Mr. MENENDEZ. The anniversary of the Bay of Pigs, 34 years later you meet on April 17, an infamous day in my opinion in our history, to change U.S. foreign policy in a 3-hour meeting. Did you not think that April 16 or April 18 would have been a hell of a lot better?

Mr. TARNOFF. We were aware of the date and in terms of——

Mr. MENENDEZ. You were aware of the date and even though you were aware of the date and the significance that it would mean, you still proceeded to meet with that date. It was so urgent that you could not meet on any other date?

Mr. TARNOFF. There was no decision at that meeting to make any modifications in our migration policy.

Mr. MENENDEZ. You know, we have seen a lot of important dates recently. The President has chosen to, rightfully so, has chosen to celebrate like May 8, VE Day and other days. What a day to choose. What a day to choose. Castro's people know what they do. They know what they do. Let me ask you, you said you had no recordings of any type of this meeting, is that correct?

Mr. TARNOFF. That is correct.

Mr. MENENDEZ. I am sure Mr. Alarcon does. If in fact Mr. Alarcon says something differently than what in fact you have testified under oath here today, he would therefore be a liar.

Mr. TARNOFF. He would.

Mr. MENENDEZ. Let me ask you with reference to who else, you may have answered this, but I may have missed it. Who else besides yourself at the State Department knew about your secret meetings?

Mr. TARNOFF. Secretary Christopher, Deputy Secretary Talbot, Mr. Donlin who is the Chief of Staff to the Secretary, Ambassador Watson, Mr. Goldwyn, and myself.

Mr. MENENDEZ. Have you or any other administration official agreed tentatively or otherwise to a secondary or follow up meeting with Mr. Alarcon or any other representative of the dictatorship with reference to these matters?

Mr. TARNOFF. No.

Mr. MENENDEZ. Let me ask you, one of the concerns I have about this new policy is, who are we interdicting, those who are coming to the United States or anyone, anyone fleeing Cuba's dictatorship regardless of their destination? One of the witnesses who will be testifying says that in fact the first group who was returned to Cuba, who according to the United States Coast Guard were picked up 45 miles south of Little Cayman Island in the middle of the Caribbean Sea, northwest of Jamaica and heading south in the opposite direction of the United States, hundreds of miles away from the United States shores, were in fact being the people forcibly repatriated.

How do we know that they were coming to the United States? How do we not know that they were going to many of the other countries that in fact they have gone to? Where are we going to be now, we have created this huge web for the Cuba dictatorship?

Mr. TARNOFF. I am informed that these people were picked up by a Norwegian cutter that was heading for Miami, but I would like to ask Mrs. Meissner to report or Admiral Saunders to report on the nature of the conversations that took place with them after they were transferred to the cutter.

Admiral SAUNDERS. We did not interdict those people, Mr. Menendez. Those were picked up by a Norwegian cruise ship that was plying the waters down there, taken to Jamaica, where the Cubans chose to remain aboard the Norwegian ship, which notified the Coast Guard after it departed Jamaica and was en route to Miami.

Mr. MENENDEZ. Admiral, if I may though, where were you told that they were picked up by the Norwegian cruise ship?

Admiral SAUNDERS. Exactly where you described it.

Mr. MENENDEZ. Therefore, now are we, you, the United States Coast Guard, going to be patrolling those waters interdicting Cubans in those waters that are clearly not within the territorial bounds of the United States in making a determination that they should be forcibly repatriated?

Admiral SAUNDERS. The answer to that is no.

Mr. MENENDEZ. What will be the parameters of your search and repatriation mission?

Admiral SAUNDERS. We are patrolling the Straits of Florida between Cuba and the Florida Keys, Mr. Menendez.

Mr. MENENDEZ. If you would indulge me, Mr. Chairman, if I could ask the General to step to the microphone. General Sheehan, let me first say that I have the greatest respect for the people of our Armed Forces. I visited Guantanamo twice and you should have, I know you do, have great respect for the men and women who are doing the job. I personally do. I am very proud as an American citizen, as an American Congressman, of the job they are doing there under very difficult circumstances. So I am a little perplexed. Maybe I did not quite understand your answer.

I am a little perplexed and I am asking for a clarification because I hope I am only going to be perplexed and not appalled that someone who I am sure has, I do not know your particular record, but I am sure it is exemplary, someone who has fought for the defense of this country and against communism and threats to this Nation throughout the world.

You said you agreed with the policy. I would assume, and correct me if I am wrong, that what you meant, and I understand the difficulty. You cared about both the Cubans and the men and women at the base. The policy of having those people emptied out.

General SHEEHAN. That is correct.

Mr. MENENDEZ. Do you also, does your statement extend to the policy of forcibly repatriating people who flee from a Communist dictatorship who this Government lists on its terrorist list of States, who has sought and successfully obtained denunciations of it before the U.N. Commission on Human Rights, is your statement also that you support that forced repatriation?

General SHEEHAN. I support a policy of regularization of those laws of immigration that does not put people in harm's way where they injure themselves either by jumping into a minefield or swimming across. We have a number of Cuban migrants, about 100 who are in the camps who want to return to Cuba. We want need a process to do that. As the INS director just testified, there is an immigration process that exists and from my standpoint the regularization of that process is the policy and I support that policy piece.

Mr. MENENDEZ. Including the forced repatriation of people fleeing a Communist dictatorship.

General SHEEHAN. The regularization of migration laws is what I am required to deal with in my AA Com Command as is the Coast Guard.

Mr. MENENDEZ. I would wonder if we would forcibly repatriate people who were jumping over the Berlin Wall. It is a sad time in our history when we turned away people of Jewish descent. I do not understand some of the answers and I do not understand April 17, how you knew and could have gone ahead.

Mr. BURTON. Mr. Smith.

Mr. SMITH. Thank you, very much, Mr. Chairman. Mr. Tarnoff, I would just like to ask you to respond and perhaps witness from the Immigration and Naturalization Service. Frank Calzon of the Freedom House will be testifying shortly. In his prepared statement, he makes the point that the administration changed America's longstanding policy to bring it into line with historical Communist practice of preventing people from fleeing.

Castro knows that disorderly immigration is a threat to the stability and survival of his regime. He learned the lessons of Eastern Europe. From now on, in order to come to the United States, Cubans will need an American visa and an exit permit from the Cuban authorities. In fact, the recent policy shift means that only those Cubans approved by Castro will be allowed to leave the island. Is that an accurate statement?

Ms. MEISSNER. I have no knowledge that, well, the Castro regime does issue exit permits, but the exit permits are issued after we approve people for admission to the United States. And I am not aware of any problems in receiving those permits.

Mr. SMITH. But the Castro regime retains the right of veto over someone who might wish to leave, be that a human rights activist or somebody for personal reasons who may want to exit the island.

Ms. MEISSNER. We have had no difficulty whatsoever in—

Mr. SMITH. I am asking you the policy, not whether or not you have had difficulty. This representation of the policy is accurate, is it not?

Ms. MEISSNER. I am not entirely certain. I would have to check that.

Mr. SMITH. You do not know?

Mr. BURTON. Would the gentleman yield?

Mr. SMITH. I will be happy to yield.

Mr. BURTON. This should be a pretty simple answer. Does Castro have the right to stop people who have applied for a visa to come to this country?

Ms. MEISSNER. The Castro——

Mr. SMITH. Does he have the right to do that?

Ms. MEISSNER. The Castro regime issues exit permits. As I say, they have not failed to do so in any case that we are aware of.

Mr. SMITH. But for political reasons, he could if he wanted to exercise the right of veto over someone taking to leave.

Ms. MEISSNER. I would imagine that is correct.

Mr. SMITH. I am amazed that you took so long to get to that point because it seems so self-evident.

Ms. MEISSNER. Well, because the practical fact is——

Mr. SMITH. We are not, we are dealing with a reality that could change overnight and you may not be aware of people who have been denied an exit visa. I mean, that is possible, an exit permit. Mr. Tarnoff, I would like to ask you in your meetings with Ricardo Alarcon, did you raise or press the case on the deployment of international human rights monitors as a way of ensuring that there is no harassment or mistreatment of people?

Mr. TARNOFF. I did make the point about the human rights situation in Cuba. I did point out several egregious cases including some that have been mentioned here of abuses of human rights activists or individuals associated with the human rights movement in Cuba. I did say that it was imperative for the United States to be able to monitor for ourselves in a totally uninhibited way that these people were not being harassed. But we did not again, make a prior condition that in addition to the U.S. officials being able to monitor, there would also be international monitors that would be required to enforce this agreement.

Mr. SMITH. Is it true that the U.S. Intersection personnel have restrictions, a 72-hour advance notice that has to be given prior to leaving the area of Havana?

Mr. TARNOFF. Not with respect to the monitoring of this agreement.

Mr. SMITH. So they have an unfettered access to people all over Cuba.

Mr. TARNOFF. That commitment was made and our experience again over the last 10 days is that that commitment has been met——

Mr. SMITH. So our people have been able to go out everywhere.

Mr. TARNOFF. That is right.

Mr. SMITH. How many people do we have in the Interests Section that are doing this kind of monitoring? And how many interviews have taken place?

Mr. TARNOFF. We have two teams of people of two each that are presently being committed. We have another two teams that are going down next week. And I cannot tell you, I will get it for you, the number of interviews that have actually taken place. But all people who have been returned, all 24 in the two locations, have been contacted by our people.

[The information follows:]

USINT officers have visited the homes of all 40 migrants returned on May 9, May 12 and June 14 and are in the process of visiting the homes of the 13 additional migrants returned to Cuba on June 16.

Mr. SMITH. Did you raise the prospects in your meetings with the Cubans of having OAS personnel joining this monitoring? I mean, you have named a very, very slight number, small number of people for what could be a mammoth task.

Mr. TARNOFF. No, I did not make particular reference to that, but I did say in my meetings that the United States would have to be able to decide unilaterally what was required to monitor these personnel and if this meant that we would increase our complement that the U.S. Intersection in Havana we would do so.

Mr. SMITH. In response to Mr. Diaz-Balart, you mentioned he was asking you some specific questions of wrongdoing and terrible deeds and you said you would need to talk to your colleagues at the State Department. It is my understanding that many of those very knowledgeable colleagues were left out of the loop on this very important policy flip flop. Was Secretary Watson involved in coming to this decision?

Mr. TARNOFF. Yes, he was. He was included in the group working on the policy.

Mr. SMITH. And concurred with it?

Mr. TARNOFF. Again, I do not mean to speak for him, but he cooperated in the formulation of the policy.

Mr. SMITH. OK. Thank you, very much, Mr. Chairman.

Mr. BURTON. Let me conclude this panel by saying that Mr. Menendez has asked, and I concur, that the written submissions to the answers of the questions that we have given to you be considered as under oath as well. I want to thank you all for your patience. I would like to say to the military people here, and I do not elicit a response, that you are aware of what happened last July 13 when Cuban patrol vessels pulled up alongside a tugboat. The women were holding the babies up and the patrol was using high powered hoses trying to wash them off the decks. The women took the kids down in the hull to protect them. The Cuban Navy pulled up alongside and directed the hoses into the hull, sinking that tugboat and killing innocent women and children.

I want to say to my colleagues in the military, whom I support, I think we have got a great military. You have my sympathy for having to send people back to a hell hole under Castro's dictatorship. It is a tragic mistake in foreign policy and you do have my sympathy. Mr. Tarnoff, I regret that you had to make this kind of a decision.

Mr. DIAZ-BALART. Mr. Chairman, if I may. While the administration is here, may I make a suggestion to the chairman that due to the importance of this issue that this panel, next time that there is a group of refugees picked up that this panel be able to fly to

that Coast Guard cutter and see what standards the administration is actually subjecting the refugees to with regard to their petitions for political asylum. I think it is critical that we be able to verify exactly what standards they are being subjected to because they are being sent back to a totalitarian regime and we should be able to see what questions and what guarantees they actually receive.

Mr. SMITH. Will my friend yield very quickly?

Mr. BURTON. I would be happy to yield to my colleague.

Mr. SMITH. On a parallel track, Mr. Tarnoff, perhaps you could advise us as to whether or not there are plans to deploy if not international or OAS monitors, when you mentioned those two teams of two people which seems insignificant and paltry. Is there anything in the planning stage, and hopefully for near deployment, of perhaps 100 or whatever it takes to get the job done of Americans to go down there and do the job?

Mr. TARNOFF. If I could respond, I have just been informed that we now have 10 people who are working this issue. There are only 24 Cubans who have been returned and we have people moving down next week as well as additional resources to the Interests Section. I told Mr. Sullivan, our principal officer in Havana, personally that he will get anything he needs, anything he requires to assure coverage.

Mr. BURTON. Ms. Ros-Lehtinen.

Ms. ROS-LEHTINEN. Mr. Chairman, I know that we have a vote, but Mr. Tarnoff, as we had discussed, I know that you will be kind enough to provide me written responses to my questions. And if I could make a request, Mr. Chairman, when we get those written responses, if our subcommittee could meet again and have the opportunity to discuss any further problems with Mr. Tarnoff related to the answers he might be giving us.

Mr. BURTON. I know Mr. Tarnoff will accommodate——

Mr. TARNOFF. Of course.

Ms. ROS-LEHTINEN. Thank you, Mr. Chairman.

Mr. BURTON. Could you follow up our request to have some panelists or members of the committee attend one of those missions?

Mr. TARNOFF. Certainly.

Mr. BURTON. This committee will stand in recess until 2 o'clock so we can get a quick sandwich.

[Whereupon, the subcommittee recessed, to reconvene at 2 p.m., the same day.]

AFTERNOON SESSION

Mr. BURTON. We will reconvene the hearing. Before I introduce the next panel, I have three items I would like to submit for the record. No. 1, a list of the criminals who are being protected in Castro's Cuba. Second, a letter we sent to President Bill Clinton regarding our concern over the new policy. And third, an article that was in the Washington Times this past week, written by Frank Gaffney from the Center for Security Policy. So without objection we will put those in the record.

Our next panel consists of three very distinguished individuals: Mr. Jorge Mas Canosa, Chairman of the Cuban American National Foundation, and Ambassador Otto Reich, Senior Associate for the

Center for Strategic and International Studies. Our third panelist is a very good friend of mine with whom I worked during the Reagan administration, the Honorable Elliot Abrams, senior fellow at the Hudson Institute and former Assistant Secretary of State for Latin American Affairs. We will start off with Mr. Mas and then we will proceed to Ambassador Reich.

Because we had a lot of people who wanted to testify, we had to flip a coin to decide who was going to testify first. So, Mr. Mas, you are now recognized.

Mr. MAS. Thank you very much, Mr. Chairman, distinguished members of the subcommittee. Thank you for the invitation to be here today to speak about the Clinton administration's indefensible, morally bankrupt correlation with the criminal regime of Fidel Castro. I would like to offer you a brief summary of my remarks and only ask that my full statement be entered into the record.

Mr. BURTON. Without objection.

STATEMENT OF JORGE MAS CANOSA, CHAIRMAN, CUBAN AMERICAN NATIONAL FOUNDATION

Mr. MAS. Before I begin, I want to express on behalf of the Cuban American National Foundation our utmost gratitude and appreciation to you, Mr. Chairman, and to the ranking member Mr. Torricelli and to other members of this panel for the leadership you have shown over the past 2 weeks on this issue, in being so vocal and visible in your denunciation of this policy here in Washington. I cannot overstate the impact your expression of solidarity have had with the Cuban-American community at this most difficult time.

Mr. Chairman, last Sunday a Washington Post columnist called the Clinton administration's secret deal with Fidel Castro "sordid." She was being too kind. In fact, the May 2 announcement that the United States will now be cowed by Castro's police state defies comprehension. I have only one word to describe the secret deal with Castro behind the back of the U.S. Congress. It is bad policy, a bad deal and bad politics.

This regrettable episode has set back United States policy toward Cuba and the prospect for freedom and democracy there 20 years. This administration has just sent Castro a clear and unmistakable signal that he does not have to undertake any meaningful internal political and economic reforms in order to draw the United States to the negotiating table.

Second, the spectacle of a joint announcement in Washington and Havana has handed Castro his most significant political victory in Cuba since the demise of the former East bloc. By appearing to move closer to an accommodation with him, this administration has strengthened his hand over those in the Castro hierarchy who want fundamental change.

Accordingly, it sends absolutely the wrong signal to the Cuban people as if Washington's concern with their plight is waning and they are drawing closer to Castro. It says to them: You are stuck with Fidel Castro. So get over it.

As for the deal, Mr. Chairman, even a cursory review of the terms leads one to conclude that it was an ad hoc, bumbling key-stone cop exercise conducted by amateur diplomats utterly un-

aware or willfully ignorant of the historical record when it comes to Castro.

Here we have the highest level contacts between the United States Government and the Castro dictatorship in years, in secret, and at a time when Castro is absolutely desperate to cut some sort of deal with the Americans to prove his bona fides and improve his image at home. And what did we get from Castro? Nothing. Absolutely nothing. Not one meaningful concession. Mr. Chairman, this was amateur hour at the State Department. No wonder the true career professionals at the State Department in charge of Cuban affairs asked for reassignment.

Why didn't we force Castro to accept unlimited access to Cuba or the U.N. special rapporteur. Who could then confirm that forcibly returned refugees are not mistreated? Why did not we demand that Castro revoke all laws under which political dissidents are harassed and persecuted, including "illegal" departure which allow authorities to imprison any illegal or any citizen who looks as though he might commit a crime by leaving the country; the law of "illegal" which allows authorities to persecute any citizen that does not represent the Cuban communist party line? Does not the administration think these laws might have something to do with Cubans waiting to leave the island?

Mr. Chairman, the idea that the administration thinks that it can monitor the safety of those forcibly returned to the Cuban secret police is like a bad joke. Are they aware of the Castro regime's track record on those fleeing Cuba? Are they aware no charges have been brought against the Cuban officials involved in last July's sinking of the *13th of March* tugboat resulting in the death of 40 Cubans, many women and children and which President Clinton himself characterized as, quote, another example of the brutal nature of the Cuban regime, unquote. That there have been no charges in the murders of Cubans in Cojimar and Regla.

Let me say that there are at this point 24 Cubans on board the Coast Guard. There is one former lieutenant from the Interior Ministry, Luis Orlando Alvarez Rodriguez who at this point remains at that Coast Guard. We have confirmed with his family that he is there and that he might face the execution wall if he is ever returned to Cuba. We also have reports from five different families inside Cuba.

But those people who left Cuba were attacked by boats of the Cuban Government, there is even one lady dead in Miami, in Key West, and there is not any information whatsoever how that woman got killed. There is a gag order. Not one of those refugees can even relate to their own families. So furthermore, we believe that there is some type of conspiracy just to hide what really is going on between the Cuban Government and the Clinton administration.

It is a shame that the Clinton administration joins with Castro to authorize the exit, for example, of those 20,000 to 25,000 legal immigrants from Cuba. Everybody knows that Castro controls the exit visas. No one can leave Castro without the authorization of Castro. So this deal has really played into Castro's hands. This is morally wrong, Mr. Chairman. I think that for the first time Castro has in his own hands the fate of not only refugees but also the fate

of the relationship between the U.S. Government, the administration and the dictatorship.

Furthermore, the Cuban American National Foundation has recorded pages of telephone calls from some of the original 13 refugees that were sent back to Cuba last week which I would also like to submit for the record. Those are telephone conversations with those individuals in Camaguey who said, we are being persecuted. We are harassed. We are under siege by the Cuban Government and we would like to have an attorney as we represented to them when they were on the Norwegian cruise boat.

We contacted them and we asked the permission to appoint an attorney. When they landed forcibly on Cuban coast, counsel of the U.S. Interest Section in Havana said that they had better forget about the attorney that the Cuban American National Foundation promised them. That is how the Interest Section in Cuba is collaborating with the Cuban Government to make certain that those people are returned to Cuba and remain in Cuba and their voices are not heard in the United States or abroad.

I also would like to——

[The statement of Mr. Mas Canosa appears in the appendix.]

Mr. BURTON. Excuse me, could we reserve the balance of your statement for the question and answer period?

Mr. MAS. Sure.

Mr. BURTON. The lieutenant to whom you referred is on board the Coast Guard cutter—if you could get us information on him, Mr. Torricelli and I and the rest of the members of the committee would be interested to follow that case closely. Please inform us of any other documentation you have regarding those phone calls or threats to those people.

Mr. TORRICELLI. Mr. Chairman, if you would yield. I wonder whether actually the transcripts of the phone conversations were now available?

Mr. MAS. Yes, the transcripts are also available, Mr. Torricelli. We have them. We have the original tapes. We have copies of the tapes of the conversation that took place between the families and those same individuals that were returned and the Director of the Voice of the Foundation in North Camaguey. Then we did the translation into English and the transcripts, and I would like to enter that into the record.

Mr. BURTON. Do you have those with you?

Mr. MAS. Yes.

Mr. BURTON. Could we have copies of those?

Mr. MAS. Sure.

Mr. BURTON. Before you leave today?

Mr. MAS. Absolutely, Mr. Chairman.

Mr. BURTON. I will distribute them to each member of the committee.

Mr. MAS. Sure.

Mr. BURTON. Thank you. We will get back to you in just a minute, Mr. Mas. Thank you for your testimony.

Mr. MAS. OK.

Mr. BURTON. Ambassador Reich.

**STATEMENT OF HON. OTTO J. REICH, SENIOR ASSOCIATE,
CENTER FOR STRATEGIC AND INTERNATIONAL STUDIES**

Ambassador REICH. Thank you, Mr. Chairman. I appreciate the opportunity to speak on this very important and emotional topic today. Congressman Menendez mentioned the importance of historical dates and he mentioned V-E day. Last week we celebrated around the world, we commemorated the end of the Second World War in Europe. On every television screen we saw the pictures of the human suffering and the physical devastation that the war did.

We also, however, I have ignored the causes of the war. We ask ourselves a question. How could that have happened? What could have been done to avoid it? But what does that have to do with this particular topic that we are discussing here today? I thought one of the lessons we learned from that war was that appeasement of dictators does not bring about peace. It simply delays the day of reckoning.

Our Government has just asked us to trust a dictator with one of the worst human rights records in the world to not punish his political enemies. If this sounds familiar, let me quote Neville Chamberlain on the day that he met with Adolph Hitler in Munich in 1938. He said, I quote, "in spite of the hardness and ruthlessness I thought I saw in his face, I got the impression that here was a man who could be relied upon when he had given his word." Mr. Chamberlain speaking about Adolph Hitler.

We all approach questions such as these, Mr. Chairman, with our own different perspective. Briefly, my own is that of a former government official, of AID and State Department. I have had the honor to represent our country as Ambassador to Venezuela and as Deputy Representative to the U.N. Human Rights Commission. I am also a descendant of refugees. So this question for me is very personal. I am also a descendant of victims of the Holocaust, of the failure to prevent the Second World War, victims who were not lucky enough in fact to become refugees.

And finally, as a refugee myself, and I think as all Cuban-Americans: Eternally grateful to this country for the opportunities that it has given me. Not only do I believe it saved my family's life, but also allowed to serve our Government and in my case the Armed Forces.

Based on those experiences, I have a few observations which I am summarizing from my paper. One, every country has a right to control its borders. The United States has the right to control its borders. I have seen the visa lines in various Embassies around the world. We do not have the capacity to absorb all the people who would like to come to the United States.

Having said that, we are the most powerful country in the world and I believe we can devise a humane policy to differentiate between migrants and refugees. Those fleeing, for political or economic reasons. We must be realistic about our country's absorptive capacity. But if we turn away political refugees, particularly from this hemisphere, where do they go?

This is not an academic question for me, as I said. If I may be allowed a personal note, my mother was Cuban. My father was an Austrian Jew who left Austria—escaped—6 months after the Anschluss, after Hitler annexed Austria by climbing over the Alps

into Switzerland, eventually working his way into France where he began to try to get his parents out of Austria.

In 1939 the war broke out and, wanting to fight the Nazis, he joined the French Foreign Legion. The war did not last long for the French, as we know. They surrendered. And with the help of relatives in the United States, my father eventually left North Africa and made it to Cuba.

If France had not given my father refuge, where would he have gone? If Switzerland had turned him back at the border, I am afraid I know where he would have ended up: In the same extermination camps where his father and his mother and his other relatives ended up.

What does that have to do with today's topic? A little over 2 years before my father arrived in Havana, Mr. Chairman, a ship loaded with refugees, the *St. Louis*, also arrived in Havana. It was a propaganda ploy, organized by Admiral Canaris, the Nazi intelligence chief, and Joseph Goebbels, the propaganda chief, to show the world that nobody wanted Jewish refugees.

The ship was turned back at Havana because of bribes that the German Government had given to corrupt Cuban officials. The United States also turned away the ship as it sailed north from Havana. The Coast Guard warned it away. President Roosevelt had stated that we could not accept any more refugees. We know the rest of the story. Eventually the ship was allowed to dock in Belgium. Four Western European countries accepted the refugees. But of the 937, over 600 were killed by the Nazis before the war was over.

Totalitarian regimes think nothing of using human beings as propaganda tools, but we should not play into a dictator's hands. People fleeing a totalitarian dictatorship cannot return because when you declare yourself as a dissident, and wanting to leave is an act of dissidence, you are an enemy of the state. In Cuba you lose your ration card, your job. You cannot eat or feed your family and you come under attack from government mobs.

I hope no one thinks that I am trying to equate all aspects of Nazi Germany to Castro's Cuba. I could never minimize the unrivaled atrocities of the Holocaust. But even in different cases there are many parallels. Toward the end of World War II, as evidence was mounting about the existence of the death camps, most American news organizations refused to believe them and dismissed them as Allied propaganda.

Today many American and Western news organizations, denied access to Castro's gulag and unaware of the sophisticated methods of political repression used in Cuba, also downplay the violation of human rights. The Cuban Government today employs one internal security officer for every 1,000 citizens. That is more than twice the ratio of Gestapo and other security agents in Hitler's Germany in 1939.

Americans have been blessed by 200 years of uninterrupted freedom. For that reason we find it difficult to understand what it is like to live in a dictatorship, especially a totalitarian dictatorship where the government controls the totality of human existence, as the definition implies.

Under that kind of dictatorship, you are presumed to be an enemy of the state unless you daily behave as a supporter of the political system. Anything less than complete obedience is considered politically dangerous, and the repressive apparatus of the state soon comes to bear down upon the violator. Cuba cannot be compared to any other nation in the hemisphere. Cuban citizens are arrested and jailed for being "unduly wealthy," for hiring a worker, for organizing a newspaper or a labor union or for the Orwellian crime of appearing to be dangerous.

That is why we cannot believe the Cuban Government when it says that returning refugees will not be harassed. Perhaps not today while the cameras or reporters are there, but as soon as it is possible a price has to be paid by them. Up to now the penalty has been 3 years in jail.

The conclusion, Mr. Chairman, is that if we want the refugee flow from Cuba to cease, we must have a policy consistent with that objective, as we did in the case of Haiti. We must deal with the cause and not the symptoms of the problem. Cubans will not stop trying to leave Cuba until there is freedom in Cuba. Economic conditions in Cuba will not improve until communism disappears.

What should our stance be? First, the United States should never negotiate out of weakness. Successful agreements are negotiated from a position of strength. The United States is the only super power left in the world. Conversely, Castro has never been weaker. Economically, politically, militarily. He is using refugees as a weapon because he has no other weapons left.

Our allies claim to have influence due to their continued diplomatic and commercial presence on the island. We should use our diplomatic skills to convince those allies to use that influence to force Castro to loosen his grip on power. That is obviously in the interest of the Cuban people.

There should also be a unilateral action by the Cuban Government. Castro did not consult or negotiate with the United States when he decided to impose his totalitarian regime and he does not have to consult or negotiate with us to dismantle it. He only needs to negotiate with the people he has imprisoned and impoverished for 36 years. Thank you.

[The statement of Ambassador Reich appears in the appendix.]

Mr. BURTON. Thank you for that statement, Ambassador Reich. Mr. Abrams.

STATEMENT OF HON. ELLIOT ABRAMS, SENIOR FELLOW, HUDSON INSTITUTE

Mr. ABRAMS. Thank you, Mr. Chairman. A couple of members of the subcommittee were kind enough to make reference to my testimony and I will not go through all of it.

I think it is worth noting first that we are not writing on a blank slate here. This question of immigration is one with a long history and a large recent history. This is one of the key points we made with the Soviet Union throughout the 1970's and 1980's based on the universal declaration of human rights which states that everyone has the right to leave any country including his own.

Now, that was the basis for the Jackson amendment and it was the basis for an American policy of insisting on the right to emi-

grate. The Jackson Amendment when it passed in 1973 was quite controversial. One of the people who wrote to support it was Andrei Sakharov in an open letter to the Congress. He called it "simply a defense of international law," warned against the "abandonment of a policy of principle" which he said would be a "betrayal" of those who were trying to emigrate, and "tantamount to total capitulation to Democratic principles in the face of blackmail and deceit and violence."

As several members of the subcommittee have said, we did not throw people back over the Berlin Wall. We did not turn over the Pentecostals who lived in the basement of the U.S. Embassy in Moscow for years to the KGB. Why this exception in the case of Cuba?

I think there are really only two possible answers to that question. I am not sure which is a worse answer, politics or ideology. Politics, that is a calculation that, well, there are more non-Cuban-Americans than Cuban-Americans in Florida and maybe this would be popular in Florida. Who knows what political calculations went into this?

The other possible explanation is pure ideology: The desire of some people in the administration, apparently including Mr. Berger, Mr. Tarnoff, Mr. Halperin, to normalize relations with Cuba, which means ending the embargo. The view is, I think, their view is that the embargo and the refugee policy that we had for 35 years represents some kind of fossil of the cold war, cold war ideology that we need to get rid of.

Of course, if Cuba had changed, then it would be simple to defend changing the policy. But Cuba has not changed. I was struck listening to the discussion this morning that I never quite got clear from the testimony, where did this policy change emerge from? I understand the part about Guantanamo and the debate about whether there was danger in Guantanamo, a possibility of violence there.

But what about the other part, the part about returning refugees to Cuba for the first time ever? Where did that come from? I think the only real answer that emerged, if you will, tacitly is that it came out of the minds of the people in the administration who thought it is time to end this old cold war policy of treating Cuba as if it were special.

Again, if it were not special, if it were not the only Communist country in this hemisphere, the only remaining dictatorship, one of the few Communist dictatorships left, then it would be fine to change the policy. As it is though, it is not fine.

Now, I was very struck by the bizarre procedures that were used, which I must say in my experience were quite bizarre, where the only experts you have got are excluded from the policymaking process. And the actual negotiation I noted was not done by Assistant Secretary Watson, who after all has been a Latin expert for probably 30 years in the State Department, but rather by somebody with no Latin American experience whatsoever, Mr. Tarnoff. The results are what I think we see in this agreement.

One final point. Mr. Menendez, among others, I think asked about whether Ms. Ros-Lehtinen and about whether 4 hours was sufficient time to overturn 35 years of policy. I think 4 minutes was

sufficient time. And maybe 40 seconds was sufficient time because I do not think this was a negotiation.

They had it in their heads to change this policy. You go in, you say to Alarcon, good afternoon. We are going to take all the people from Guantanamo and we are changing the policy now. We are going to throw back anybody else who tries to get out. Goodbye.

It is not even a negotiation. It was a concession to Castro unilaterally made on the basis of preconceived ideological conceptions about the nature of that regime. And I think the result of it as we see, and as many witnesses have, as these two witnesses have just said, is a really shameful policy.

[The statement of Mr. Abrams appears in the appendix.]

Mr. BURTON. Thank you, very much, Mr. Abrams. I have never heard of the State Department taking its policy orders from non-confirmed NSC officials. Now, maybe I am wrong, but when you were at the State Department or you were an Ambassador, did you ever recall somebody at NSC giving orders to the State Department? Shouldn't those orders have come either from the President or from one of his top aides, instead of the NCS, which is an advisory group?

Mr. ABRAMS. No, there was a period I can think of, I am thinking of the Deputy National Security Advisor, Mr. McFarlane for a period, Admiral Poindexter for a period, General Powell for a period, Ambassador Negroponte for a while, served as Deputy National Security Advisor. It is inconceivable to me that they would give instructions to me as an Assistant Secretary, much less than to a higher official, the Undersecretary for political affairs. I found myself wondering what happened to Secretary Christopher this morning during the discussion. Consultations constantly, phone calls back and forth constantly, but I would have thought you do not take instructions from anybody but the Secretary.

Mr. BURTON. If you were in that position as a former employee of the State Department, would you not have checked with their superiors, the President or one of the people? Would you have taken that order directly from the NSC and run with it like Ambassador Tarnoff said he did?

Mr. ABRAMS. Well, I think you would not check in the sense that you would doubt that the Deputy National Security Advisor was speaking for Mr. Lake in this case. But what is odd is that you do not go to the Secretary. That is what strikes me as really quite bizarre.

Mr. BURTON. You mean Secretary Christopher?

Mr. ABRAMS. Secretary Christopher. That is, where is he in this loop and why does not Mr. Tarnoff say with all due respect to Sandy Berger, Sandy, I do not take orders from you? I do not work for you.

Mr. BURTON. What do you all think this change is going to do to our credibility in the area of foreign policy, and with our Latin American neighbors and others whom we have been trying to pressure. And I know Mr. Mas has been down there among others trying to get leaders of other countries to keep the heat on Castro. What is this going to do to our ability to convince them to help us out to get rid of this guy?

Mr. MAS. I think he has done it irreparable harm. The loss of trouble is double in terms of Cuba's policy. The President of the United States has been stating publicly and to Senators, heads of state in Latin America, that the cornerstone of his policy toward Cuba is the Cuban Democracy Act. Then when he was saying that publicly, he was secretly negotiating behind the backs of Congress and the American people a deal with Fidel Castro. So I think that the immediate effect of that policy is that the United States Government is not going to have any credibility whatsoever left at any capital in Latin America and specifically. I think that it is a disaster.

Mr. REICH. Mr. Chairman, may I add something? Combining that question with the one you asked Elliot earlier. From the standpoint of a former U.S. Ambassador, I was appalled when I heard what had actually transpired and several of you members today—I think—put your finger on it when you were asking exactly when were these negotiations taking place, the dates and with whom?

Because what it did, the signal it sends to any government that we are negotiating with is: "wait a minute." "There is a back channel here." "Perhaps all we have to do is find a way to hang tough on this particular issue," whether it is textiles or intellectual property rights or a border dispute or whatever it is that we may be negotiating on behalf of someone or mediating and then perhaps they can go to the seventh floor of the State Department and get a better deal.

Because if I were in the Cuban Government today, the message that I would be getting and perhaps other governments around the world are the State Department people we are talking to everyday do not speak for this administration. "If there is somebody else that we can go to around them, we will get the experts out of the way and we will get a much easier deal."

Look at the deal that the Cubans got. Instead of negotiating with the person who did know right away the significance of April 17, and I am sure Dennis Hays would have picked that up immediately, they went to people who do not handle this area.

So unless the Undersecretary for Political Affairs is willing to be the desk officer for Cuba on a daily basis and perhaps every other country that he does this kind of thing with, I think we are in bad shape with our foreign policy.

Mr. BURTON. I appreciate that and I hope everybody on the committee had a chance to digest that. Let me ask Mr. Mas one more question. I think in a phone conversation I had with you some time ago, you told me that you had an opportunity to talk with the President directly and that he had told you that he would not negotiate directly, indirectly, or behind the scenes with Fidel Castro under any circumstances.

Mr. MAS. That is correct, Mr. Chairman. That happened during the summit meeting in Miami last December when I shook hands with the President and I told him I was concerned that there were a lot of rumors that the administration was working out some kind of deal with the Castro government. And once more he reiterated at that point that the cornerstone of his policy toward Cuba was the Torricelli deal that there would be no concessions, no secret deals with the Castro government.

So he not only deceived his own experts at the State Department, he not only deceived the American people, but he deceived the Cuban-American community and he deceived all of us, looking at us and tell us something that was absolutely false. It was not the truth. He lied to us.

Mr. BURTON. Thank you, Mr. Mas. Mr. Torricelli.

Mr. TORRICELLI. Thank you very much, Mr. Chairman. The administration has presented historical alternatives that either we faced a deteriorating situation in Guantanamo and the possibility of violence or an admission to the United States and the agreement that they reached with the Cuban Government.

It is my own analysis in recent months that indeed there were third or fourth alternatives available, that in fact negotiations had reached the point with third countries to receive those from Guantanamo, that it was only a question of money used to care for the people who would be sent to the Dominican Republic or Panama.

In your analyses, was there a third route available so that we did not have to choose between violence in Guantanamo or this arrangement with the Cuban Government? And describe the third route that you think might have been available.

Mr. MAS. My understanding, Mr. Torricelli, was that there were negotiations going on with the Dominican Republic, Costa Rica, and Panama to bring Cubans from Guantanamo into those countries. We have in Miami 18,000 sponsors that will take care of all the financial needs of those refugees that were ready to be resettled, either in the United States or any other country. Of course, the sponsorship that we pull out once this decision was made.

But it was not going to cost a cent to any U.S. taxpayer because we have all the resources and finances available to make certain that all those refugees will be leaving Guantanamo at no cost to the U.S. taxpayer.

And as a matter of fact, the Guantanamo problem was being solved. We were getting 800 people from Guantanamo a week in south Florida. Everybody knows that. We were all paying for that. So the Guantanamo was not an issue. It is only an excuse to justify something that can be justified.

Mr. TORRICELLI. In fact, if indeed this had come down to money, the difference between what the Dominican Government, for example, might have thought was required and what was then being offered, the community, and in particular the Foundation, was prepared to help make up the difference in the cost.

Mr. MAS. Yes, Mr. Torricelli, we had that ready. We had those 18,000 sponsors. And I would say that probably 90 percent of those who came from Guantanamo are under private sponsorship that we have maintained and is still in place. We are monitoring that situation. We are paying for the school of the children in Guantanamo who are now in Miami. We have prepared medical expenses for up to 2 years already paid. So we have a whole program to deal with that situation. It was not an excuse. We did not have a situation in Guantanamo that could anticipate that we were going to have any type of violence or reward in Guantanamo. It is absolutely false that this could happen in Guantanamo.

Mr. TORRICELLI. I do not know whether you were here for the testimony earlier, but I was asking the State Department to ex-

plain the differences between their ability to monitor those who return to Haiti and those who return to Cuba where there clearly is no capacity in personnel or even the rights to travel within Cuba to go to the individual homes and monitor that these people indeed are safe.

In your prepared testimony, Mr. Mas, you cited that indeed those who have returned have a different color identity card that they use. Could you explain what I read in your testimony so that in fact when they go for employment or other communications they are now and may forever be identifiable as people who were potential expatriates?

Mr. MAS. Well, I will go back to the fact, Mr. Torricelli, we have been able to establish communication with the first 13 refugees that were returned to Cuba. They are under siege. They are harassed. They are persecuted. Those conversations are on tape. I will make available to the committee.

Mr. TORRICELLI. But the Cuban Government has also given them an identifiable card—

Mr. MAS. They have provided them a card which means that they are marked people for the rest of their lives. There are not enough personnel at the United States Interest Section to monitor the safety of those refugees as it happened in Haiti where United States officials were going to the villages and would make certain that those people will not suffer any persecution. They do not have the capability, but even worse they do not have the will.

And all this testimony that you heard this morning about 2 teams formed by one or two individuals and more people going into Cuba, I can anticipate that this is only excuses from the State Department. They do not have the will. They do not have the desire. They are not going to follow up.

Once they agree with Castro that they were going to return those refugees and Castro was going to take them, they were admitting that Castro is the law, the beginning and the end of everything in Cuba because it is illegal for any Cuban to leave the island. So when Castro takes them back, if he were a man that respects law, will have to prosecute those refugees.

So it means that the United States Government has joined with Castro in violating even the same Cuban law.

Mr. TORRICELLI. I understand that. Mr. Chairman, I would hope that perhaps in a letter that we could author together we should write now the Secretary of State and ask him the exact procedures, personnel available and their intentions to visit and to continue to monitor each and every individual. Because whether we like the policy or not, whether we approved it or not, we have now got the tragic reality of people who are in Castro's grips and there is a responsibility for their safety. I think the best role we can play is having them define exactly what is available, what their intentions are and commit to how often these people are going to be visited.

Mr. Chairman, I only want then if I could leave them with the thought. I had suggested to the administration earlier as I did privately a few days ago, that they take several elements of the new Burton bill.

In order to prove solidarity and indeed that the administration and this Congress and the American people retain one Cuba policy,

that indeed there has not been a departure, the best way to demonstrate it and to demonstrate it to opponents of Castro within Cuba and the international community is to issue an Executive order, taking several provisions of the Burton bill and implementing it.

I cited that I thought the most useful ones is the Secretary of State has the power immediately to deny access to the United States to foreign nationals who have stolen American property. And indeed the President has the authority to change sugar quotas for nations that are importing Cuban sugar.

I wonder if I could have comment to anybody on the panel whether, did you think those would be the two most useful or if there is something else alternatively that by Executive order you think would be useful now, both as a signal and a substantive contribution.

Mr. ABRAMS. I think those are probably the two most important ones. I would take a look also at some of the claims provisions. The jurisdiction of the Foreign Claims Settlement Commission I am sure cannot be changed by Executive order, but there may be ways of at least beginning administrative procedures that would allow people to record claims.

Currently, claims that accrued to Cubans when they were Cuba citizens prior to coming to the United States and becoming Americans, the FCSC cannot handle. And it may be that there could at least be a beginning of that by Executive order before you get to legislation down the road.

Mr. REICH. I would agree. I would add the right of action that is in the Helms-Burton legislation now allowing American citizens to take to U.S. courts claims against people who are using the properties. You are referring only to the Executive order.

Mr. TORRICELLI. No, I am suggesting things the administration could now to renew its status as part of these efforts for the signal that it was sending. Mr. Mas, would you say those are the two most important things that would be in an Executive order if we could get one?

Mr. MAS. Absolutely. Especially the cancellation or withdrawal of visas for those who are dealing with stolen American properties in Cuba and there is a precedent. The previous administration through Executive order implemented some of the Torricelli bill provisions. It happened last time.

Mr. BURTON. Are these cards that are given to repatriated Cubans different than the cards that are given out to other Cubans?

Mr. MAS. Yes, Mr. Chairman.

Mr. BURTON. In what respect?

Mr. MAS. Color, type, and also they tell me that the reading of the card is completely different from the standard one.

Mr. BURTON. So the officials down there will know at a moment's notice that these people are not to get the same treatment as every other Cuban?

Mr. MAS. Yes.

Mr. BURTON. OK. Thank you. Ms. Ros-Lehtinen.

Ms. ROS-LEHTINEN. Thank you so much. I would like to point out and remind our committee members that Congressman Chris Smith and I with the help of everyone on that full international re-

lations committee passed in the foreign aid authorization bill this week various provisions related to monitoring and reporting to Congress the abuses that might take place of anyone who has repatriated to Cuba.

That bill is before us on the floor next week. It tells the President he has got to tell Congress what is the state of those refugees, what reprisals have befallen them and what steps the United States is going to take to correct those. And that is in the foreign aid bill that is on the floor next week.

I would like to follow up on the previous speakers and want to ask how this secret deal improves Castro's image. Mr. Mas, you say in your testimony, Castro is absolutely desperate to cut some sort of deal with the Americans to improve his image at home. Could you elaborate for us why you think that these secret negotiations improves his image at home and also what signal that sends to foreign investors? And I would like the other panelists to also answer.

Mr. MAS. Well, let me pick up the last one first for foreign investors. I think the foreign investors have been very concerned about the act of Congress and the Helms-Burton bill in dealing with their investment in Cuba.

Now that the administration has moved a step closer to Castro, I think that they are going to have reservations about the Helms-Burton bill and probably their investment could be more safe now that the United States Government is in a reapproachment situation with the Cuban Government.

In terms of perception and image, I think that that is extremely important because certainly the United States exercised a tremendous leadership in the Western Hemisphere for example. Many heads of state in Latin America look upon Washington to see what kind of policy they should formulate toward Cuba.

Therefore, this is going to put Castro in a much better position to improve relations with different governments in Latin America. But the most important issue here is those who are around Fidel Castro.

We all know, and you know Congresswoman Ros-Lehtinen, that those who are around Castro are putting a lot of pressure on him to make sure that meaningful reforms take place in Cuba. Castro has been trying to gain some time, to buy some time, by saying you will see that we will be able to overcome all the problems that we are facing in Cuba today.

We will come to terms with Washington. We will work out a deal with the United States. We will have the embargo lifted.

As a matter of fact, all those people here that are in this room here today representing the Cuban Government are the best witnesses that they are those who are advising Castro and putting pressure also on Castro to make certain that some way, some how they improve their relationship with Washington.

By having this type of a deal with Castro now, I think that he is strengthened in his position in terms of telling his people I told you so. We are improving relations with America. The situation in Cuba is going to improve. Our economic deprivation soon are going to be over.

So where we are is not only providing Castro with legitimacy, but giving him room and time to persuade and convince those who

around him that better times are coming up and that finally the differences between Washington and Havana will end and reconciliation will arrive.

Ms. ROS-LEHTINEN. Thank you. Mr. Abrams.

Mr. ABRAMS. Well, I think that is quite right. Taking the foreign government point of view, how could you go down to, let us say a Latin government and argue, you guys need to change your policy toward Cuba and help us and support us? The answer would be how bad a regime can it be if you can send would be refugees back there? You are already beginning to change your policy. What are you coming around asking us to change our policy? I think it just completely undercuts what has really been, at least a 15-year campaign, diplomatic campaign, to get more foreign support.

Ms. ROS-LEHTINEN. Ambassador Reich.

Ambassador REICH. I agree. And Castro, as I said, has never been more isolated. The irony is that diplomatically, however, I think some of the countries in the hemisphere, perhaps to try to find an issue with which they disagree with us since we have had an improvement or relations with most of Latin America over the last 10 or 15 years. We have agreed and worked together on most economic and political and commercial issues. They still use Cuba as a bit of a, you know, as a sign of independence perhaps.

And in a case like this they are going to probably say, well, see. You came around to our way of thinking. And I think that that undermines our moral stand. I think that the reason why our policy has been correct is because it has been moral. It has not been one of like that of some of our allies have been. Just doing business as usual with a dictatorship. I think that this agreement does undermine the morality of it.

Ms. ROS-LEHTINEN. Thank you. Just one quick question. I know my time is up. About the dissident movement in Cuba, certainly these secret deals send the wrong signal to them that as you pointed out, Washington's concern with their plight, this is Mr. Mas's statement, is waning and they are drawing closer to Castro. It says to them you can no longer count on the U.S. Government in your aspirations for freedom and democracy, that you are stuck with Fidel Castro. So get over it.

However, it is certainly true that passage of the Helms-Burton bill, whether certain segments of it through Executive order which we hope the President will do or passage which the Congress, and I agree with Mr. Torricelli, that we will be able to pass it. That day will come. What kind of a positive signal do you think that will send, passage of the Helms-Burton bill to the dissident movement in Cuba as well as other individuals who are concerned with the plight of the oppressed people in Cuba?

Mr. ABRAMS. Well, just take a quick answer. I think that there has got to be confusion at best among dissidents in Cuba as to the degree to which the United States Government is really on their side. You remember the Bush administration after Tiananmen Square was criticized for in a sense wishing that those people who were making trouble out there in the street would kind of go away so that it could continue to do business with the Government of China.

That is in a sense I think what comes across here and the adoption by Executive order and ultimately by legislation of those provisions, I think, would send a much happier message to dissidents that the United States which has been with them for 35 years is with them.

Ms. ROS-LEHTINEN. Thank you.

Mr. BURTON. Mr. Menendez.

Mr. MENENDEZ. Thank you, Mr. Chairman. Mr. Chairman, before I ask any questions, I have a unanimous consent request. I ask unanimous consent that all of the questions offered by members of the committee be submitted through the committee to the previous panel and that the answers to those questions be considered under oath as if they were an extension of the hearing that we had. I would like to get, I am sure Ms. Ros-Lehtinen, but certainly I would like to get answers to my questions that I was not able to pursue here at the hearing, to get the written answers, but for those written answers to be considered as an extension of the oath that was taken here.

Mr. BURTON. I had a note to that effect. I made that clear to the panel before they left. So it has been done.

Mr. MENENDEZ. Thank you, Mr. Chairman. I was not here for that. I would like to first of all appreciate the panels, all of their testimony. I regret, Mr. Abrams, if I mutilated your presentation by taking from it, but I think that the greatest form of flattery is when someone quotes from you. So I hope you will not feel badly that I did that liberally.

I want to add to the questions that I am going to ask, some of which you raised which you did not present in your abbreviated testimony, where you said, suppose that 1 month after being returned a former refugee is arrested for vagrancy or theft or who knows what trumped-up charge? How will we really know what happened? We try to find out. We have access to the returnee in his prison.

What due process will he get in trying to clear him or herself? What if the individuals are mistreated, not by the Cuban police but by the mobs that I will call committees for the defense of the revolution, which in fact are the security forces of the state, so that the government can claim its innocence while in fact life for the returnee is a living hell? I think those are some good questions I will be adding to my list and I thank you for them.

I would like to ask all of the panel members what did, I want to ask you a couple of questions. Maybe I will throw them all out and you can answer them. If thousands take to rafts again, notwithstanding this agreement, what should be the policy of the United States in response to such an action?

Second, what did Fidel Castro get out of this deal? Because obviously from the testimony we have listened to, we must think that he got something out of this deal. What did he get out of the deal? Did he just do this because he is a good citizen of the world, of the hemisphere? So what did he get out of the deal?

I would like to ask you also, as negative and as abhorrent as I personally find this policy if in fact it continues to be the policy and it continues to provide for the repatriation of those people by force to the dictatorship, is there the possibility that this internalizes

pressure within Cuba by realizing that the only way to get out is 20,000 visas, which are not enough for the people that want to leave this brutal dictatorship, 20,000 visas are simply not enough. And what conditions do you see that happening under in terms of internalizing pressure? Is that going to be a byproduct of this? I would appreciate hearing some of that.

And last, what do you, I raise the question because I thought it was quite an incredible statement. I want to see what the national press does with the administration in asking, since we now have said that immigration issues rise to the threat of the national security, what do you think of that as a statement, particularly since both of you have served in the government and Mr. Mas as well in terms of his own opinion. I would like to hear your views on those questions.

Mr. MAS. Mr. Menendez, let me answer the first question. What should we do if thousands of Cubans get into boats or rafts or whatever and leave the island? Well, that will mean precisely I think what Mr. Torricelli said, by having Castro today, the fate or the political fate of Clinton in his hands.

If thousands of Cubans take to the seas, it means that Castro, first, has violated the agreement. Because Castro is the one that opened up or shut down the valve. It was shown last year when the agreement was reached of providing 20,000 visas, not one single raft left Cuba. It means that the one who controls immigration in Cuba is not the will of the Cuban people, it is Castro himself.

So it will mean that Castro, first, has violated the agreement. Second, that we should respond accordingly. And I think that there is only one answer. And the answer is we are going to impose a naval blockade of Cuba. Nothing comes out, nothing goes in. That should have been the first thing to deal with in this new policy, not to make this type of concession to Castro. And for the other questions, I yield to others.

Mr. ABRAMS. Just a couple of comments. What does Castro get out of the deal? In a word, everything. I mean, what do we get out of the deal? Nothing. We have agreed that we will take people from Guantanamo; I am sure he would rather have them out than there. And we have agreed to send back refugees and to police Cuba's waters in a sense to prevent immigration.

So I cannot see what objection Castro would have to any of this and that is why I suggested before I do not know why we needed a whole 4 hours to negotiate this deal.

Does it potentially increase the pressure within Cuba? I think the answer to that is, yes. And you can make the argument really about Cuba since 1960. That is had there never been one emigre from Cuba? Had there never been one refugee, would there be a larger community inside the country now opposing the regime? I think logically the answer to that is yes, but that has not been the policy of the United States with respect to Cuba or the Soviet Union or Romania or any other country.

Our policy has been that we will enforce, we will respect international law on refugee flows. And if you can show well-founded fear of persecution, you can come here. And particularly with respect to communist countries, we have never taken the position

that we would like to increase the level of political suffering and strife.

So I do not think we should adopt that position now. I think it is an inhumane position. There is a certain logic to it. There is no question about that. But if we are dedicated to overthrowing the Castro regime, to democracy in Cuba, surely we have better tools at our disposal than forcing this kind of suffering on the people of Cuba at this date.

The other question of what to do if thousands take to the rafts, I think one has to agree with Mr. Mas. It is one thing to talk about what do you do if an individual is fleeing for freedom. It is another if you have a policy of the Cuban regime in defiance of the United States. That is a challenge. Years go by when there is no such challenge. Then those challenges come. They come, I think, when we look weak and irresolute. And I best way to avoid it is to state right now that we would retaliate with further economic pressure of the kind that could really destabilize the regime. I would just, I do not think that mass emigration is all that likely, another Mariel, because I think that Mariel got out of hand at the Cuban end. It got out of hand. It was mass disorder. And that kind of mass disorder in Havana today could bring about the end of the regime.

Mr. MENENDEZ. Just very briefly, if 30,000 though according to the testimony of Mr. Tarnoff is a national security threat, then in fact would you not agree then with Mr. Mas that if this rises to a national security threat that therefore the United States has not only its responsibility but the right to respond to a national security threat in kind by having what is suggested some have dispelled. Now that the administration says that this was a national security threat. Mariel was 120,000. I am not talking about that. I am saying that if 30,000 rises to a national security threat, then the United States needs to preserve its national security. Would you agree then in that case that we should—

Mr. ABRAMS. I think that is the only logical conclusion to draw.

Mr. MAS. Mr. Menendez, let me just make a point here because you said what 20,000 people means. What 20,000 people means are a lot of people and let me tell you why. The most amount, the highest amount, of Cubans arriving in the United States in 1 year, during the last 20 years was 3,000 a year. Under the only two administrations that more than 3,000 a year has arrived in the United States was under the Carter administration with Mariel and under the Clinton administration.

That is why perception in politics is so important. Castro perceives Jimmy Carter and Bill Clinton as soft politicians, as soft leaders, and he has taken advantage of that. Last year, 30,000 in Guantanamo and 26,333. That is all configure. The figure that the State Department is giving you here is deceiving. It is not 20,000. It is 26,333 Cubans yearly from Cuba. So in 1 year we have gotten into the United States, 56,333 refugees which has the anti-immigrant forces in Florida very, very upset at Clinton. So he better check his mathematics because I do not think he would be able to carry in the political side the State of Florida.

Mr. MENENDEZ. I appreciate the Chairman's indulgence. Let me just simply say I understand what you are saying. I think we also

give soft messages when we have the second person in the Senate Foreign Relations Committee, Senator Lugar, sending out the raw messages about normalizing relations. We also send the wrong messages when Senator Simpson says that he want to repeal the Cuban Adjustment Act. So we cannot—

Mr. MAS. I was referring to—Mr. Menendez.

Mr. MENENDEZ. We cannot afford those messages either.

Mr. REICH. May I, I am not going to answer all four questions. I think they have been answered very well. But on the question of internalizing pressure, there is unfortunately an historical precedent.

In East Germany, when the wall went up in August 1961, the reaction on the part of most East Germans was basically what Mr. Mas just said could be the reaction of Cubans. It was, "we are not going to be able to get out of here. We better try to work within the system." And for many years that is what happened. Of course, fortunately for us, it was based on communism and it fell apart eventually. But I hope that not the same time passes in Cuba as a result of this action. So, yes, it could internalize pressure, but only if we do follow the second track of the Cuban Democracy Act. And I think we ought to take a look at I believe it was National Security decision NSDD-32 that listed a number of actions that the United States took and helped to encourage in Eastern Europe to bring about the strengthening of the dissident movements inside Eastern Europe. But I have to say unfortunately the situation in Cuba is much worse for dissidents than it was in the worst times of Eastern European communism.

Mr. BURTON. Mr. Diaz-Balart.

Mr. DIAZ-BALART. Thank you. Mr. Chairman, I want to thank these distinguished guests for their knowledgeable testimony. Mr. Mas, I think it is fundamental that you provide to us as soon as possible all the communications that you have as you have stated that you will. It is very important that we have that as soon as possible.

Mr. MAS. It is here. We have it right here, Mr. Diaz-Balart.

Mr. DIAZ-BALART. With the returned refugees. That will serve to contradict directly what we heard earlier today that the reports that have been made public with regard to the harassment that has already begun are not being given credence by the administration in a most unfortunate manner. So I want to thank you in advance for that.

Unfortunately, Mr. Abrams, I believe that you have really hit a nail on the head when you talked about in the context of the question, the motivations for this action does not make sense really politically when you think it through. I think that when you get down to it, there is an ideological driving force here. And I think that the excuse or the pretext of Guantanamo or maybe even the perceived possible political benefit are covers for satisfying an ideological goal and I think that is very sad.

But I see a trend elsewhere. It is not just in Cuba. In other words, if we analyze despite the almost unanimous requests from the Congress, for example, that the Prime Minister of Taiwan be able to come in here on a private visit and the administration saying, no, they do not want to antagonize the Communist Chinese

government or the deal with North Korea which we still do not know all the details about, to facilitate supposedly inspection in 5 years of nuclear facilities after billions of dollars in return from the U.S. taxpayer.

There is a trend I think a double standard, in the way that this administration treats Marxist regimes and non-Marxist regimes. That is my view and I think you have touched on it very importantly on this issue and I want to thank also Ambassador Reich for extraordinarily moving personal testimony. I was not aware of that extent of your family history and it is very moving and I want to thank you for it. So I have no further questions, Mr. Chairman. I just want to thank you once again for letting me participate today.

Mr. BURTON. We will let Mr. Torricelli make one brief comment and then we will break and come back for the last panel. I want to thank this panel and the last panel very much for their patience. We have equally distinguished people who are going to testify. We apologize for the length of the hearing, but it is very, very important. Mr. Torricelli.

Mr. TORRICELLI. Mr. Chairman, thank you very much. I wanted simply to make the observation that I understand the extraordinary frustration of everyone who was involved in this effort against Fidel Castro and to bring freedom to the Cuban people, particularly among Cuban Americans themselves. But the disappointment of recent weeks cannot become an excuse to turn anti-Castro efforts into a partisan affair.

I have always noticed with more than a little curiosity that when the Castro government refers to me on Radio Havana, I am always referred to as the Republican Congressman from New Jersey. That is not a mistake. It is very important for that government. Fidel Castro has always attempted to maintain that there was a friendship to him in this country that does not in fact exist, that the success or failure of one political party or another would make a difference for his government.

If one thing has been different in recent years from a number of years go in Cuban policy is people, many of them on this panel, have succeeded in making efforts against Fidel Castro bipartisan. That is essential. It is essential for our legislative success. More importantly, it is essential for dissidents within Cuba and for members of the international community to understand these political parties cannot be traded off against each other. They cannot be worked against each other to the advantage of Fidel Castro. This is an issue upon which while there are those that object, there is genuine national solidarity.

Among this panel, from Mr. Deutsch, Lincoln Diaz-Balart and each of us who sit in between, I know of no shade of difference on Cuba policy and there will be none. And if those of you who were here earlier when the administration testified, I made clear them we will pass this bill. I believe we will pass it with two-thirds vote. This will represent a consensus.

I only hope that we can maintain this common front in the next few months. Do not allow those who oppose us to separate us. In either party, as Mr. Menendez pointed out I was deeply disappointed in Senator Lugar's call for ending the embargo. He is a better man than that. I think he is a great Senator.

I am disappointed at President Clinton policy of recent weeks. He is a better man than that. He is a better president than that.

Our efforts are to try to get those who have misunderstood our intention and do not yet understand the potential of our policy to come to us, not to divide us. This will never be a partisan issue in the United States again. Never. Thank you, Mr. Chairman.

Mr. BURTON. Meeting stands in recess and we will be back in about 5 minutes.

[Recess.]

Mr. BURTON. Mr. Molina, thank you for your patience. We really apologize—

Mr. MOLINA. Do not worry. I understand.

Mr. BURTON. The questioning of the administration people was very, very important. That is why we had a double round.

Mr. MOLINA. Yes.

Mr. BURTON. Before I introduce the panel, I want to recognize the presence of one of my good friends, Armando Valladares. Mr. Valladares is a gentleman to whom we alluded earlier who wrote the book "Against All Hope"—I would submit that anybody who has not read that book ought to read it because it explains very clearly what kind of a regime the Castro dictatorship is, and I think it would set a lot of my colleagues straight. With that, let me just introduce the last panel we have today. It has been a long day, but I really appreciate you being so patient and waiting for us.

Mr. Jay Fernandez, the Director of the Valladares Foundation, Mr. Frank Calzon, the Washington Representative for Freedom House, and my good friend Mr. Ray Molina, the Washington Representative of Unidad Cubana. We will start with Mr. Fernandez.

STATEMENT OF JAY FERNANDEZ, DIRECTOR, VALLADARES FOUNDATION

Mr. FERNANDEZ. Mr. Chairman, I have already submitted my statement and I am going to summarize it. I hope that I can stay within the 5 minutes.

Mr. Sherman and distinguished members of this subcommittee, on behalf of the Valladares Foundation I would like to thank all of you for the opportunity to testify on the subject of President Clinton's administration shift in immigration policy toward Cuba.

Mr. Sherman, specifically I would like to thank you for the interest you always show on things related to Cuba. The hearing that the Valladares Foundation requested and you so graciously accepted and conducted last January 25, 1995, on the sinking of the March 13th Cuban tugboat, which was intentionally sunk by the Cuban vessels under direct orders of the Cuban Government, demonstrated without any doubt the evil nature of that regime and the extremes it is willing to go to suppress its citizens.

Cubans only want to live in a free society. We heard the sad and vivid testimony of some of the survivors of that massacre in this same room. Just a few weeks ago for the sixth year in a row, the United Nations Human Rights Commission, which meets yearly in Geneva, Switzerland, condemned Cuba for its atrocious human rights violation. This condemnation of Castro's regime was achieved under resolution presented by the United States Govern-

ment who repeatedly in previous years has presented similar resolution.

With these events fresh in our minds and total disbelief on May 2, 1995, the Justice Department made an announcement concerning the new policy on people escaping from Castro's inferno. Those of us who still remember Bill Clinton's campaign for President of the United States will recall him using very strong language to criticize then President Bush for his decision to intercept and return Haitian boat people back to Haiti. Now it can only be called political hypocrisy at its best. The same policy is being implemented by President Clinton against Cuban refugees.

It has not taken very long for our point of not trusting the Cuban government to be proven. The Miami Herald in a front page article of May 11, 1995, described how the very first group of refugees returned under Clinton's new policy just hours after arriving back in Cuba had already started to be harassed and punished for the actions by the Cubans' secret police.

Abraham Lincoln, Thomas Jefferson, and other very prestigious past United States presidents must be turning in their graves at the thought of seeing the country's military resources being used to create and maintain concentration camps and round up survivors or desperate warriors to freedom to be turned into the hands of those who they are trying to escape from. President Clinton has converted the U.S. Coast Guard into an extension of Cuba's inhumane border patrol, picking up frightened refugees in international waters against their will.

The present administration, when the ballot boxes could not obtain the approval of its citizens, proven by the November, 1994 election results, tries to gain political points by sensing the anti-immigration current in the country and labels political refugees as illegal immigrants.

Those in the White House and the State Department architects of this new policy do not know the heavy price Cubans must pay to obtain the freedom that we here in the United States take for granted. They should talk to Ariel Castillo here in this room today.

Mr. Castillo injured his left eye during his voyage to freedom last August. Despite numerous attempts to obtain proper medical care while in Guantanamo and suffering unbelievable pain, his cries for help were ignored for 2 months. When help was attempted at Bethesda Naval Hospital, he learned what he knew already. If help had been provided sooner, his eye could have been saved. For cosmetic reasons an experimental procedure was tried and an artificial implant was provided. Unfortunately, it recently failed.

When Mr. Castillo went back to Bethesda Naval for help, he was turned down. A recent request for reconsideration by the Defense Department was also rejected. I have in my hand, Mr. Sherman, the eye that President Clinton does not want him to have.

The same inhumane treatment that resulted in Mr. Castillo losing his eye in the Guantanamo fiasco is the one driving the recently announced policy of making illegal immigrants out of freedom seeking political refugees. Those that understand his plight such as the—community will find the money to pay for his eye.

Also, in this room is a 23-year-old man who has suffered the inhumane and narrowminded policies of this administration. After

risking his life in a hastily made raft, Arcadio Mestril and a group of his friends reached the land portion of the base at Guantanamo. From there, they made it on foot to the fence that surrounds the Guantanamo military compound. The initial order from U.S. soldiers to enter the base, customary for people that miraculously made it through the mine field surrounding this fence were rescinded. Never before under previous administrations such an order has ever been given.

Having no other alternative, a mine blew his leg off as he started to return to Cuban territory, the hell he so desperately wanted to get away from. It was Arcadio's third attempt and only chance to get away from a pending jail sentence for previously trying to leave the country without the consent of the government. While in Bethesda Naval Hospital waiting for his wounds to heal, the human nature of those handling the political fiasco at Guantanamo once again showed its ugly head. His request not to go back to the Guantanamo concentration camp was denied. He was told that he was going to be fitted with a leg and returned to the place where his original one was wasted by the Clinton administration's lack of sensitivity.

Arcadio refused any further treatment and decided that his new leg should come from people that love and understood him, not from those responsible for him losing his natural one. The exile made a commitment and has provided him with a new leg.

I hope somewhere in this administration there is still some compassion left and that Arcadio's parents, wife and 3-year-old daughter, find themselves among those who will receive visas to get away from Castro's nightmare. He desperately needs moral support.

Mr. Chairman, the Valladares Foundation has not been fooled by this administration and has consistently opposed its—in Cuba. I remember days after the 13th of July massacre meeting with Dennis Hays, then head of the State Department desk to protest the weak response of the White House and the lack of interest about this incident. It was obvious to us then that despite the severity of the crime committed by the Cuban Government, forces within the administration were trying to play down this horrible incident. We went as far as getting arrested in front of the Cuban Interest Section in Washington to generate publicity and media attention for the crime committed.

Both the U.S. Senate and the House of Representatives passed resolutions urging the State Department to actively take the boat sinking incident to the United Nations. All these efforts, including the sentiments of the U.S. Congress were ignored. The death of 40 people, including 20 innocent children, were not sufficient to move President Clinton to do what the United States has always been known for, the world's leading voice against injustices and human rights violations.

Major street protests in Havana never seen before in Castro's tightly controlled society followed the boat incident. The world media focused its attention on Cuba. Knowing that the United States was being led by an indecisive and weak President, Castro orchestrated, encouraged and directed an international incident that took away the embarrassing attention his regime was receiv-

ing. The United States once more was the recipient of Castro's internal political problem.

Just as with the 1980 Mariel boat lift started by the unprecedented event of 10,000 people asking for political asylum in an embassy, the international media concentrated on the event itself and not on what caused it. The mass exit of 32,000 people took precedent over the 13th of July massacre and the Havana riots.

The curve ball thrown at President Clinton was too much for him to handle. The United States, the world's most powerful nation capitulates under Castro's pressure and threats of sending never-ending waves of Cuba refugees.

[The statement of Mr. Fernandez appears in the appendix.]

Mr. BURTON. Mr. Fernandez, we want to save time for questions. Could you submit the rest of your statement into the record?

Mr. FERNANDEZ. Yes.

Mr. BURTON. It is a very, very moving statement. We would like to have documentation of the incidents that you alluded to and we will get to that in just a few minutes.

Mr. FERNANDEZ. OK.

Mr. BURTON. Mr. Calzon.

STATEMENT OF FRANK CALZON, WASHINGTON REPRESENTATIVE, FREEDOM HOUSE

Mr. CALZON. Thank you, Mr. Chairman. You have my complete statement. For the record, I would like to summarize its main points.

It is always a pleasure to appear before the subcommittee. I wish that the occasion was a happier one. When we meet here today to discuss Cuba and United States-Cuba policy, the Cuban people confront sorrow, despair, and unspeakable repression.

The administration's new policy is a blow both to the democratic aspirations of the Cuban people and to long-term United States interests in the Caribbean. The only clear winners are Fidel Castro who has once again managed to use blackmail to his advantage and the Castro lobby here in Washington that works vigorously to help the dictatorship.

Last summer, after several hundred thousand young Cubans rioted in Havana, Castro withdrew his frontier guards and more than 30,000 desperate Cubans took to the high seas on flimsy rafts. Fearful of a massive refugee outflow, Washington blinked, striking a deal with the dictatorship which led to the internment of refugees behind barbed wire in Guantanamo.

The administration attempted to justify its internment policy by adducing the need to provide safe havens for Castro victims. This safe haven policy, despite its cruelty was interpreted in some quarters as a reaffirmation of America's commitment to provide refuge to victims of communism.

But that was then and this is now. The arrangement was not sufficient for Castro. Fearing a repetition of last year's riot with another hot summer approaching and the prospect of hundreds of thousands of unemployed Cubans whose jobs are being phased out, he needed to tighten his control. He played his refugee card forcing the administration to conclude the recently announced accord.

One could trace the origin of what Lally Weymouth of the Washington Post calls a sordid deal with Castro, to Havana's efforts to undermine the United States broadcasts designed to break through Castro's monopoly on news and information. The Cubans, just as the Poles, Czechs, and Hungarians before them, were avid listeners of radio broadcasts.

Radio Marti, the station founded by President Ronald Reagan, despite Havana's threats to do great harm to American stations gained an immense audience in the island. When TV Marti went on the air, Castro, perhaps sensing Washington's wavering support for the new program, denounced the broadcast as "electronic warfare."

And despite Cuba's dire economic straits, the regime has never lacked resources to prevent the Cuban people from receiving the signals. In order to accommodate Havana, the TV broadcast takes place at 3 or 4 in the morning to prevent interference with Castro's stations.

The option of placing a C130 aircraft in the Florida straits to serve as a flying antenna was discarded as too provocative. Washington's desire to avoid a confrontation was again perceived by Castro as a sign of weakness. He proceeded to jam the medium-wave radio signal of Radio Marti. The United States did nothing then, saying that the Cubans could receive their radio broadcasts in short wave.

Similarly, when Russia renewed its contract with Castro for the electronic surveillance station at Loures which spies on the United States, administration officials were quoted as saying that the facility would reassure Moscow of Washington's intentions. The blackmailer, however, was not satisfied. Blackmailers rarely are. It was not long before Freedom House began to receive reports that Castro had installed Japanese jamming equipment in the Havana metropolitan area, seriously interfering with shortwave radio broadcasts of Radio Marti. The administration has yet to respond.

The importance of U.S. actions cannot be exaggerated. American policy has already influenced the way other governments treat those fleeing Cuba. Both European and Caribbean Governments have returned refugees to Cuba in recent days. The Castro/Clinton pact is not a trade accord. It is not an agreement to work together on drug interdiction or the renegotiation of environmental accord. The policy goes to the very essence of a relationship that began more than 200 years ago between the American and Cuban people.

Perhaps it is not too late for the Congress to convince the President that more than refugee policy is at stake. Those families fleeing oppression should not be turned back to a regime that denies every human right, that holds more than 1,000 political prisoners, that uses rapid deployment brigades, government thugs that beat up on peaceful dissidents. And that, as was the case in the Soviet Union, detains sane political dissidents in psychiatric hospitals. If the administration continues its policy, it will be capitulating to strong-arm tactics, applied by a man with one of the weakest hands imaginable. Let us not give Castro a victory on the eve of his crushing and everlasting defeat. Thank you, Mr. Chairman.

[The statement of Mr. Calzon appears in the appendix.]

Mr. BURTON. Thank you, Mr. Calzon. Mr. Molina.

Mr. MOLINA. Yes, sir. Mr. Chairman, my statement today comes from a different perspective. I have lived in Nicaragua for 8 years and I have lived in Panama for 8 years. I have made it a habit to study the strength that Fidel Castro has to support himself internationally and the challenge that he represents to U.S. foreign policy. I can admit today that Castro does have more influence in Latin America than the U.S. State Department throughout all of our embassies. And I will go to that in just a minute. Having said that, I would like to also answer the question of what does Castro get out of this deal? And it all—I will summarize that at the end, I hope.

To begin with, Hon. Chairman Dan Burton and ranking minority member Hon. Robert Torricelli, Ileana Ros-Lehtinen, and Bob, good afternoon. I had here good morning, but I had to change that.

Mr. BURTON. It has been a long day.

**STATEMENT OF J. RAYMOND MOLINA, PRESIDENT AND CEO,
THE BROAD FRONT FOR THE FREEDOM OF CUBA (UNIDAD
CUBANA)**

Mr. MOLINA. Good afternoon. My name is Raymond Molina and I am speaking on behalf of the broad front for the freedom of Cuba, which is a front of several local and national Cuban American organizations interested in establishing the freedom and democracy in Cuba. Our organizations strongly support the Cuban Liberty and Democracy Solidarity—Libertad—Act of 1995.

At the outset, let me say that as a Cuban American who witnessed Castro's tyranny first hand during the Bay of Pigs invasion, I am proud to be here before this august body. I am honored to live in the greatest and most free country on Earth and will never forget how America opened its arms to me and my family and my countrymen during our time of need. I deeply respect the work that you are doing here in this committee and hope that my testimony is helpful to that work and that can open other areas of consideration in this debate.

The Cuban issue is at bottom a bipartisan issue that relates to the essence of what America stands for, freedom and democracy. The Burton-Helms bill will help support the American tradition of defending freedom and democracy by imposing a stronger embargo on the last dictatorship in the Western Hemisphere and the only one that five U.S. administrations have condemned as violators of human rights and a supporter of international terrorism.

As with all geopolitical matters, there are at least two sides to the Cuban debate. The supporters of Castro will say that the policy of embargo during the last 32 years has been a failure. Those of us against Castro disagree. The embargo has served as an extraordinary weapon, not only because of the pressure it has induced on the Castro economy, which is in ruins, but also because of the strong message it sends that America will not tolerate tyranny anywhere, particularly not in the Western Hemisphere.

However, the embargo alone is not enough. We must also support the substantial internal opposition to Castro's totalitarianism. As with the Nicaraguans, South American and Haitian freedom fighters, America must stand beside Cuban freedom seekers, not against them by supporting their oppressor. A free Cuba will flour-

ish economically and politically and return to the family of democratic nations.

Moreover, the threat of future massive exodus from Cuba will be eliminated. Indeed, according to a recent survey, substantial numbers of Cuban Americans will return to the mother country to participate in its renaissance after Castro's fall.

Fundamentally, there are three irrefutable reasons for supporting the Burton-Helms bill. First, Cuba is a totalitarian state dominated by a ruthless dictator, Fidel Castro, its chief of state, first secretary of the communist party, commander in chief of the armed forces. The party is the only political entity in Cuba and is headed by an elite group whose membership is ultimately determined by Castro. Leadership position in Castro's government has been dominated by white males since its inception. There are very few women or minorities in positions of policy responsibility in the party or the government.

Mostly, Cuba was subsidized, or most importantly Cuba was subsidized with an average of \$20 million a day by the Soviet Union for over 30 years, or the equivalent of \$7,300 billion a year or \$219 billion in 30 years. Despite this unparalleled massive economic assistance, Cuba today is the poorest country in the western hemisphere under Haiti. A Cuban average salary of 280 pesos a month is equivalent to \$2.80.

Lifting the embargo and giving the regime economic assistance, as some policymakers advise, is precisely the wrong thing to do now that the Soviet assistance has been terminated. Such a policy will not remedy the suffering of the Cuban people, but instead prolong that suffering, since it is the system in Cuba, the lack of freedom, that is the problem. No amount of economic assistance can relieve the suffering there is as long as the totalitarian government exists to control and manage that system.

On the contrary, a stronger embargo, such as the one offered by Burton-Helms bill, is what is needed now to get to the root cause of the suffering of the Cuban people. Such an embargo will finally cause the demise of the system and Castro thus allow a free economy to flourish.

The economy there is not free. Although Castro has allowed outside investment, the Cuban people have not benefited. On the contrary, they have suffered more in that Castro requires them to work on these foreign projects, but does not allow the investors to pay them. The States pay them minimum, some say slave wages.

This should not be news to you. These activities are well documented. In March, the United Nations Human Rights Commission passed a resolution endorsing the report of a special rapporteur which made a strong and detailed criticism of Cuba's systematic violation of human rights. Amnesty International has also found such violations. Cuba has no right to change government or advocate a change in government. The Constitution states that the only political organization allowed is the Communist Party. Moreover, Castro has ignored calls from democratic reform and labor activists who proposed them—and traitors working to undermine it.

[The statement of Mr. Molina appears in the appendix.]

Mr. BURTON. Mr. Molina.

Mr. MOLINA. Yes.

Mr. BURTON. We would like to ask you some questions and understand that there is going to be a vote soon, so could we go to questions and you can submit the rest of your statement for the record?

Mr. MOLINA. Yes, absolutely.

Mr. BURTON. I apologize for interrupting.

Mr. MOLINA. No problem.

Mr. BURTON. Let me start the questioning off by saying that you indicated a few minutes ago that you thought that there was some reason why the administration changed its immigration policy or what you thought the ultimate reason was.

Mr. MOLINA. No, what I was referring to, the question that was floated why does Castro enter, what was the benefit that Castro perceived.

Mr. BURTON. The benefit, OK.

Mr. FERNANDEZ. Castro obviously, and we have to analyze what we are dealing with. Castro has a totalitarian police state established in Cuba. His internal security is tightly controlled. He has no problem internal. The only problem that Castro has now is being able to keep his head above water economically.

He has engaged in a very effective public relations campaign engaging obviously entrepreneurs from various countries. And let us analyze who are coming to Cuba. Castro has his supply routes in Panama. Castro obviously has a tremendous access to everything he has. Merchants in the free zone of Cologne have become the agents of the Castro government.

There is a relation, a very strong relation between Castro, Colombia, drugs and money laundering and this is the essence of his economy. Here is where he is getting the hard currency that keeps him in power. And Castro has the capability of bribing and corrupting high government officials all over the Western Hemisphere.

Therefore, he engages the Secretary of Justice, the people in different positions of government throughout Latin America to supply him with jeans and this is a very, it looks ridiculous, but he does. He gives quarters, sell me two million jeans. Because Castro has the power to buy and supply ten million people.

So if he takes the Minister of Justice or the head or the Attorney General of a country and tells him to sell him jeans and make a dollar a jean, he is giving him in essence a million dollars or whatever. So Castro has a very intricate network of quasi-legitimate operators and corporations that are installed in Panama fundamentally that are supplying him that are used for transferring cocaine, money laundered in the States through these corporations and a series of very complex organizations in which he is making billions of dollars.

He has the Central Bank of Cuba accepting all of the moneys that the various cartels of the Colombia drug cartel want to launder. The problem with laundering money is introducing it in the banking system. So who monitors Fidel Castro's central bank? Nobody. So he has the capability of accepting billions of dollars that are going into Panama in containers, shipped to Cuba and then from there he introduces it into the banking system.

Mr. BURTON. So the bottom line is that we are taking the pressure off of him internally and allowing him to continue this—

Mr. MOLINA. Absolutely. The problem with Castro is that we have to come up with a policy to get rid of the guy. This is no long term issue. This is something we have got to confront and the sooner we do it the better.

Mr. BURTON. Thank you. Ms. Ros-Lehtinen.

Ms. ROS-LEHTINEN. Thank you so much for such excellent testimony. I wanted to thank the panelists for excellent testimony. You certainly, I am sure I speak for the Congressmen here who say that we are totally in agreement with the testimony that you presented. I wanted to ask you briefly to address the problem, the Lourdes intelligence facility and the nuclear plant. Why do you think that the United States is not doing enough or insisting on understanding what is going on in Cuba, what are the relations with Russia? Why are we not insisting that those are totally dismantled when we helped Russia, Russia then gives aid to Cuba to keep these facilities going. What do you think is behind all of this that we are waiting for a terrible disaster to potentially happen in Cuba? If I could just have your comments on that.

Mr. FERNANDEZ. Well, my comment, I learned that answer about an hour ago when I listened to Peter Tarnoff say that he only had, he was spending 5 percent of his time on the Cuban issue. So that is the bottom line. I think that we are facing a guy, Castro, who works 24 hours a day at undermining the United States, at creating all sorts of circumventions around our laws, around our principles, around what America stands for.

Castro, what does he benefit? Well, simply, if Castro can now say to a lot of people in the world, in the international community, well, I am negotiating with the United States. These guys are dumb enough to take my word and I can manage this. This is just a crisis. You see, Castro has been in power for 36 years. Every 4 years we have a new administration so we have a new group of experts, quote, you know, that come into these areas and then they take 4 years to become expert. And then Castro is dealing with a system that has not developed a policy to get rid of them, you know?

The bottom line we should be asking ourselves what are we doing to get rid of Castro? What is it? Are we helping the internal opposition to Castro to organize? Are we basically organizing a free labor movement? To confront, to help him confront his own people there and destabilize them. Because this is what Castro is good at.

I listened to the general with four stars. It baffles me to listen to the statement that this man has made. I talk to him and then I said, look. There is a tremendous opposition in Cuba. He said, well, we do not see any sign of opposition to Castro. I said, well, what the hell did these guys do when they launched themselves into the ocean to let the sharks eat them? I mean, are they satisfied with the government? What is going on? What do you understand the satisfaction? Well, anyway, these are the contradictions that our foreign policy has and I urge that we get together in thinking and putting our efforts into thinking of how are we going to get rid of it. And then that would basically be the answer to it.

Mr. BURTON. Mr. Calzon, Mr. Fernandez.

Ms. ROS-LEHTINEN. Thank you, very much.

Mr. CALZON. Congresswoman Ros-Lehtinen, could you ask your question again?

Ms. ROS-LEHTINEN. Sorry, I was asking about the Lourdes and the nuclear plant and why the United States is doing relatively nothing to ensure the safety of those of us who live in this hemisphere.

Mr. CALZON. I think that is a question that you need to ask the administration. Those of us who have been monitoring U.S. policy for some time will tell you that the United States has many foreign policy options, many instruments to project American power in the Caribbean. It is not that the United States has no way of informing the Cuban people or using American political capital to mobilize support around the world. What appears to be lacking is the willingness of the administration to do that. This is why I think those of us who would like to see freedom in Cuba are turning more and more to the Congress, hoping that the Congress will try to convince the administration that the United States can do something in Cuba and not merely allow Castro to blackmail the White House.

Ms. ROS-LEHTINEN. Thank you.

Mr. BURTON. Mr. Menendez.

Mr. MENENDEZ. Thank you. Very briefly, first of all let me thank all of the panelists for their testimony we certainly agree with all of what you have to say. I just want to very briefly, I know we have to go to a vote. Do any of you, are any of you familiar, especially Mr. Calzon, Mr. Fernandez, who are based out of Washington here, with the United States-Cuba Foundation or the Cuban Committee for Democracy?

They are having some type of a meeting tomorrow at the Senate Foreign Relations room at 10 to 12 and the speakers include Gary Jarmin, who is supposedly the Chairman of this United States-Cuba Foundation, who describes according to their fliers an organization of conservative Republicans opposed to Helms-Burton legislation. We have to crash that tomorrow, Mr. Chairman. We have open hearings. Why not?

As well as Orlando Castaneda, board member for the Cuban Committee for Democracy, an economist with the InterAmerican Development Bank. Roger Fontaine, Reagan administration, National Security Advisor for Latin American Affairs, and Robert Muse, a partner in the Washington, DC, law firm of Mansfield & Muse. Does this mean, I am trying to find out what this means. I mean, tomorrow is the prelude to another very historic day and I find it very interesting that this is—do you know who these people are? I have not heard of them.

Mr. FERNANDEZ. I happen to know one of them. There is one more group that is trying to lift the embargo. I guarantee you they will not get the number of people that we got here today. Usually those groups bring their own crowd because they cannot get enough people to attend to their nonsense. So I guess the best thing we can do is ignore them because it does not mean anything.

Mr. MOLINA. I do not know about that. Roger Fontaine is an old hand in town. He is the son-in-law of Ray Klein who is the Former Deputy Director of the CIA and he has traditionally been, and that surprises me, he has always been a conservative. And he has always been anti-Castro. I have known him for years. How he is tak-

ing that position really surprises me. But they know their way around town and they could do substantial harm.

Mr. BURTON. Mr. Diaz-Balart:

Mr. DIAZ-BALART. Well, I think Mr. Menendez's question points out the fact that there is a coalition of folks who are now trying to save Castro. It is not only the ideologues to the left.

Mr. MOLINA. No, no.

Mr. DIAZ-BALART. You have people who want to make a buck now and want to keep the slave labor economy functioning.

Mr. MOLINA. That is right.

Mr. DIAZ-BALART. They do not have to go to China now, 10,000 miles away. Their dream is to be able to have slave labor manufacturing 90 miles away.

Mr. MOLINA. That is right.

Mr. DIAZ-BALART. So there is a combination of factors working to save the slave labor economy, but the people of Cuba are going to have the last word. I want to thank all three panelists. You have done a dynamite job and thank you for your work day in and day out. I look forward to continue working with all of you.

Mr. MOLINA. Thank you.

Mr. BURTON. Let me once again thank you for your patience. We flipped a coin for the second and third panels. I apologize to you for being on so late in the day. That does not diminish in any way your testimony. You are very, very important and we really appreciate your participation. This meeting will be adjourned. I would like to talk to the three of you when I return from voting in 10 minutes.

Mr. MOLINA. Congressman, one thing. The next time, we are first.

Mr. BURTON. We will do that. We will do that. With that, this meeting stands adjourned.

[Whereupon, at 4 p.m. the subcommittee was adjourned, to reconvene at the call of the chair.]

APPENDIX

PETER TARNOFF, UNDER SECRETARY OF STATE FOR POLITICAL AFFAIRS

INTRODUCTION

Mr. Chairman, thank you for the opportunity to testify before this sub-committee on U.S. policy toward Cuba. I know this subject is of great interest to the sub-committee's members and indeed to the Congress as a whole.

There has been considerable discussion and debate in the press, in these halls, and in the community of those who care deeply about Cuba, concerning recent steps taken by the Administration to further regularize our migration relations with Cuba. Another important debate is taking place with regard to proposed legislation on Cuba now before the Congress. I am here today not only to explain the Administration's position on these issues, but to place them in the context of the situation which prevails in Cuba today and our overall policy toward that troubled country.

Despite of the regime's strenuous efforts to resist them, the winds of change are beginning to blow across Cuba. Economic measures which would have been unthinkable only a few short years ago are being tolerated, with other, potentially more significant changes reportedly under consideration. The dramatic trends toward democracy, respect for human rights and open markets that have swept the rest of the Western Hemisphere have not yet had an impact on Cuba, but they inevitably will. We strongly believe that U.S. policy must continue to play an important role in hastening the change that must soon come, and in shaping the nature of the transition so that it unfolds in a peaceful and democratic manner.

For over 30 years, during both Republican and Democratic administrations, the overarching goal of U.S. policy towards Cuba has been to promote a peaceful transition to a democratic society which recognizes fundamental freedoms and respects human rights. We are resolute in our opposition to the undemocratic regime of Fidel Castro but we have no hostile intent toward the Cuban people. Quite the contrary, the Cuban Democracy Act (CDA), which passed with strong bipartisan support in 1992 and which this Administration has faithfully implemented, is the cornerstone of our two-track policy which puts pressure on the Cuban government through diplomatic isolation and economic embargo while at the same time directing humanitarian assistance, information and support to the Cuban people, including those who engage in peaceful struggle for human rights and democracy. Also consistent with the CDA, we remain prepared to respond to significant political and economic reform in Cuba with carefully calibrated measures.

THE SITUATION IN CUBA TODAY

Mr. Chairman, I would like to spend a few minutes discussing current economic and political conditions in Cuba.

As many experts have noted, Cuba's economy entered into a steep decline following the collapse of the Soviet Bloc beginning in 1989, even though the unilateral US embargo had been in effect for a much longer time. Prior to 1989, the Soviet Union pumped \$4 to \$6 billion of assistance and subsidies into the Cuban economy each year, almost one-third of Cuba's gross domestic product at the time. The loss of this aid and preferential trade after the dissolution of the Soviet Union was devastating and exposed the Cuban economy's essential structural weaknesses. Cuba has not published economic statistics since 1989, but according to unofficial Cuban estimates the island's economic output has fallen by over 50 percent, to just over \$10 billion.

Cuba's economic free fall has had a disastrous impact on the Cuban people's standard of living. Ordinary Cubans struggle daily against scarcity. Their state ration coupons provide barely enough food for half the month, and they must scramble to find ways to get through the rest. Many Cubans must travel long distances to work on bicycles since gasoline is very expensive and can rarely be bought with

pesos. Workers whose creativity and enterprise are stifled by the state-controlled system lack motivation; those who do not accept the party line risk unemployment or worse.

The Cuban government's response to this increasingly dire situation has been slow and stubborn. For four years, the regime took no significant steps to confront its own economic imbalances or alleviate the growing suffering of the population. It sought to blame the U.S. embargo for its ills—a charge rejected by nearly all independent analysts—and denied that its glaring problems were the result of its obsolete economic system. Finally, in 1993, the government began adopting tentative measures which have included the legalization of the dollar and of tightly circumscribed self-employment, and the establishment of agricultural and industrial/craft markets. The government also converted large, state-run farms into state cooperatives and leased some land to individual families. In a particularly odd marriage of convenience, the Cuban leadership has aggressively courted foreign investment—something it previously considered anathema—to provide the capital it needs “to save socialism.”

Each of these small steps has moved Cuba away from the Marxist economic model that has retarded its development, suffocated private enterprise, and denied ordinary Cubans the right to make their own economic decisions. Each of the steps, however, also has been carefully limited to preserve the regime's control over economic and political life on the island. For example, cooperatives and farmers must still sell the vast majority of their produce to the government at prices it sets. Self-employment is only permitted in a few occupations, and those involved may hire only family members. University graduates may not participate at all in self-employment initiatives. Cuba's current investment climate still ranks among the world's riskiest, most arbitrary and least attractive.

The Cuban Government has claimed that the measures it has adopted have begun to turn its economy around. However, this year's sugar harvest, Cuba's main export crop and its largest source of hard currency, appears to be even smaller than last year's record low. Factories all over the island are idle, and food production continues to decline. While it appears that the Cuban Government's recent actions have slowed the economy's deterioration, we believe that prospects for complete economic recovery in Cuba remain dismal until the regime takes bolder measures that would liberalize the economy and unleash the Cuban people's entrepreneurial energy to solve their own problems. Because of the economic downturn Cuban leaders have outlined plans to undertake a major downsizing of government and state enterprises this year that will create massive unemployment, possibly in the hundreds of thousands.

Cuba's state-controlled economy currently offers almost no alternatives to government employment of one kind or another. When the state eliminates jobs, there is no private sector to help create new ones. As the Cuban regime grows less and less able to provide for the Cuban people, it must allow them to provide for themselves.

While more fundamental economic reforms are necessary to improve Cuba's prospects for the future, the island's essential problem remains the lack of political freedoms and respect for human rights.

POLITICAL/HUMAN RIGHTS SITUATION IN CUBA

While it has shown some limited flexibility on the economic side, the regime of Cuban President Fidel Castro remains politically unyielding. Relying on a network of neighborhood committees, government bureaus, Communist Party directorates, state security agencies and the armed forces, the government controls the population and suppresses even peaceful opposition. The regime's rapid containment of a significant anti-government disturbance in Havana on August 5, 1994, demonstrated this continuing control. The riot and the mass outflow of “rafters” which overwhelmed Cuban authorities may have forced the regime to realize that more needed to be done to meet the material needs of the Cuban people. No lessons, however, appear to have been drawn regarding the need for a political opening. Indeed, Castro has made clear his opposition to any political reforms which might parallel the economic changes he has permitted. The monolithic government and a Communist party apparatus remain unyielding. The National Assembly consists only of members of the Communist Party. Its public hearings and the widely-publicized workings of its standing committees are orchestrated by the regime.

Opposition parties and independent civic organizations remain prohibited. Freedom of association does not exist. The regime does not tolerate freedom of speech or opinion. Those who dare speak out for democratic principles are harassed if they become too vocal. In order to placate international public opinion, the government has recently become somewhat more subtle in its means of suppressing opposition.

Reports of beatings, stoning, break-ins or "acts of repudiation" by regime-directed mobs directed at dissidents have become less frequent in recent years. Rather, proponents of peaceful change are detained for hours or several days and released with a warning to alter their behavior or suffer the consequences. Opposition figures often suffer economic discrimination, such as expulsion from their professions, layoffs, blacklisting and loss of benefits. These tactics, combined with close surveillance and infiltration of the various small opposition groups, have been largely successful in marginalizing and fragmenting Cuba's nascent democratic movement.

Contraction of the regime's economic control, however, has created tiny spaces in which Cuba's civil society, devastated by 35 years of dictatorship, is re-emerging. Attendance at religious services of all denominations has risen dramatically. The influence of the Roman Catholic Church, aided by the naming of the first Cuban cardinal in over 30 years, Monsignor Jaime Ortega, has increased. The charitable arm of the Catholic Church, CARITAS, has opened offices in seven regional centers for the distribution of humanitarian aid. Small independent associations of professionals, including academic researchers, economists, lawyers, journalists and engineers have formed. This movement is nascent and fragile, but it provides an alternative to state-controlled organizations for a growing number of Cubans.

In November 1994, the Cuban government agreed to invite the UN High Commissioner for Human Rights, Ambassador Jose Ayala Lasso, to visit the island. In the weeks leading up to the visit, however, the regime detained some 55 human rights activists and harassed a number of others, threatening them with severe reprisals if they continued to denounce human rights abuses or contacted foreign diplomatic missions during the High Commissioner's stay. Ayala did see a number of human rights activists during his four-day visit in meetings that took place on the fringes of his official program, which limited his contacts to government officials and officially-approved groups and individuals.

Still, no improvement in the human rights situation in Cuba has followed the visit. Ambassador Ayala presented Fidel Castro with a list of over 1,000 political prisoners and asked Cuba to free them; since the visit the regime has released fewer than twenty political prisoners, most on condition of their immediate exile from the country. As recently as last month noted human rights leader Francisco Chaviano was sentenced by a closed military tribunal to 15 years imprisonment on trumped-up charges of "revealing state secrets" and document fraud, after being held for almost a year without formal charges. Ambassador Ayala also pressed the Cuban regime to sign the UN charter against torture, and to permit the UN Special Rapporteur for Cuba, Swedish diplomat Carl-Johan Groth, to visit Cuba in order to fulfill his mandate.

Ambassador Ayala's visit notwithstanding, the Cuban government has taken no concrete steps to cooperate with the UN on human rights. While the regime claimed that its invitation to Ayala demonstrated that it had nothing to hide where human rights were concerned, it continues to defy the repeatedly expressed will of the international community, specifically the UN General Assembly and the UN Human Rights Commission, by refusing to let Special Rapporteur Groth enter Cuba. Cuba has not yet signed the convention against torture, and hundreds of political prisoners remain in detention.

A four-person international human rights delegation headed by the French organization "France-Liberte" visited Cuba April 27-May 5, after being invited by Fidel Castro during his visit to Paris early last month. The delegation interviewed 24 political prisoners in the reception areas of nine different prisons, but was not allowed to inspect the prisons themselves. The delegation called for the immediate, unconditional release of four of these prisoners who are seriously ill and expressed its concern about excessive sentences meted out for non-violent, political "crimes."

The Department of State intends to increase its support for Cuba's embattled activists, and will continue to pursue aggressively in the UN and other international fora, as well as in diplomatic contacts with other countries, a policy of focusing attention on the need for democracy and improvement in the human rights situation in Cuba. On December 28, the UN General Assembly passed a U.S.-drafted resolution condemning systematic human rights abuses in Cuba. A similar U.S.-drafted resolution, which extended the Special Rapporteur's mandate, was adopted on March 7 by the UN Human Rights Commission in Geneva. The United States took the lead in deploring in the strongest terms the ramming and sinking by Cuban government vessels of the tugboat "13th of March" on July 13, 1994, which resulted in the deaths of at least 40 people. The horror of that tragic incident was described eloquently by the four survivors whose testimony was the centerpiece of a hearing before this subcommittee on January 25.

The Department detailed at length in its Country Report on Human Rights Practices for 1994, submitted to the Congress on January 31, the deplorable state of

basic freedoms in Cuba. Our findings of repression, of arbitrary arrest, and harassment of democratic opposition figures are echoed in the Report on the Situation of Human Rights in Cuba, submitted to the UN Human Rights Commission by Special Rapporteur Groth. Numerous other impartial and expert studies, including the 1994 report of the Inter-American Commission on Human Rights and a Human Rights Watch report, are critical of the Cuban regime.

In a region where democratic reform and economic liberalization are fast becoming the norm, Castro's anachronistic policies and iron-fisted repression have provoked strong criticism from Latin American governments. Today, when Fidel Castro and Foreign Minister Robains travel abroad, they hear the same message throughout the hemisphere and beyond: democratization and respect for human rights are urgently needed. The Rio Group, which includes some of the most important regional nations, publicly called in September, 1994 for "a peaceful transition to a democratic and pluralistic system which respects human rights and freedom of opinion." similarly, at the June 1994 Ibero-American Summit at Cartagena, Colombia, at which 20 democracies and Cuba were present, one head of state after another lamented the lack of democracy in Cuba. In December 1994, the regional consensus was that only Cuba, the lone non-democratic state in the entire region, should be excluded from the first Summit of the Americas. While we have been pleased at the increased willingness by many countries to speak out for democratic reform and respect for human rights in Cuba, increased diplomatic and economic engagement with the regime has so far shown no evidence of hastening democratic change there. As I indicated before, we believe that there should be a broadening of contact, not with the government of Cuba but with those valiant individuals and organizations struggling for democratic change.

THE CUBAN DEMOCRACY ACT

Mr. Chairman, earlier I described our concerted effort to mobilize international pressure to encourage the Cuban government to reform, to create democratic openings, to respect human rights, and to liberalize its economy. In the UN, the OAS, regional gatherings and international fora our message is clear and understood. But this is only a small part of our effort to force Castro to recognize that he must change, must end his totalitarian rule and communist aspirations which history has demonstrated are unjust, unworkable and unsustainable.

The thrust of this effort is embodied in the Cuban Democracy Act, endorsed by both presidents Bush and Clinton, and passed with bipartisan support by the Congress in 1992. As you know the CDA provides for a two-track approach to Cuba. Track I maintains firm pressure on the Cuban Government by denying it legitimacy through international and direct pressures such as those I mentioned just a moment ago, but more importantly by imposing tough economic sanctions. To augment the comprehensive U.S. economic embargo on Cuba, the CDA added further restrictions on trade by U.S. subsidiaries abroad with Cuba. These provisions have reduced such trade from over \$700 million in 1992 to nearly zero today. In August of last year, during the migration crisis, the President imposed additional restrictions on remittances and transactions related to travel to Cuba.

We strongly believe that the embargo is the best leverage the U.S. has to promote change in Cuba, and that, particularly in the years since Soviet support to Cuba ended, it is working. It denies the Castro regime the benefits that U.S. trade, investment and tourism would provide. While the inherent inefficiencies of Cuba's socialist economy make it ultimately unsustainable, a large influx of hard currency from the U.S. could allow the regime to resist change and stay afloat for years longer. Because of the embargo, Castro faces tough choices now. The modest economic reforms that he has authorized would almost certainly not have taken place without the added pressure that our embargo applies. We are dedicated to maintaining the embargo in place until we see the kind of meaningful, far-reaching reform contemplated in the CDA. Should such significant, permanent reforms take place we are prepared to respond with calibrated steps contemplated in the CDA.

Mr. Chairman, while it is essential that we keep up this intense pressure on the regime, it is also essential that we do everything we can to empower those living under its yoke to be able to continue their struggle for democratic reform and human rights. That is why we have energetically pursued Track II of the CDA, reaching out to the Cuban people through private humanitarian assistance, increased flow of information, and improved telecommunications. Hundreds of thousands of Americans have already taken advantage of easier telephone access to Cuba as a result of last year's telecommunications agreements. Over the past two years we have licensed more than \$65 million in private humanitarian aid to Cuba, mostly medicines and mostly from U.S. religious groups. Other key elements of

Track II to date have been book donations, licensed travel to Cuba for research, human rights and other activity, and the broadcasts of Radio and TV Marti. These actions are intended to give hope to legitimate opponents of the regime to allow them to sustain the risks and pressures of maintaining their struggle for democracy. We believe that we can and must do more to help in these areas.

Let me stress something very important—these Track II measures are designed to open Cuba to the world in selective ways that reinforce the message of democratic reform without allowing Castro and his government to exploit international trade or our hard dollars to perpetuate his dictatorship.

An entire generation of Cubans has grown up under Castro's domination—we must be able to reveal to them what they have been denied. The things we take for granted—the ability to speak freely, to seek information without restriction, to exchange ideas without fear, to vote for change, to protest against the government—all of these are denied to Cubans. The information highway has no exit to Havana because the Cuban government is afraid of what might happen if the average Cuban had access to the freedom bulletin board on the Internet. Track II brings the average Cuban a chance to learn about what we value so highly—democracy, freedom, human rights, human values—and helps those who seek to advance democratic reform in Cuba.

With the liberation of Eastern Europe we have seen that non-governmental institutions such as business groups, churches, professional associations, news organizations, human rights groups and political organizations can form the bedrock of democracy. We must support these struggling entities in Cuba so that, whenever change comes, there is a strong and well-prepared foundation on which to build a new democracy. While we have done some, we need to do more to increase our support for the brave activists and independent organizations that already exist on the island, and increase their contact with potential partners here in the U.S. The CDA calls on the Administration to engage in these efforts, and I know that this committee has expressed its support for them.

MIGRATION ISSUES

Mr. Chairman, I would like to turn now to the recent migration agreements that we have reached with the Cubans, and explain to you how they serve the US national interest.

The economic changes that have wrenched Cuba in recent years have had a powerful social impact. Mounting unemployment and deteriorating quality of life have led to a loss of faith in the government's ability to live up to its promises to provide a better life for Cuban citizens. This growing frustration with the status quo reached a crisis point in the summer of 1994 when tens of thousands of Cubans put to sea in dangerously unseaworthy vessels in desperate attempts to reach Florida. An untold number may have died during the massive, uncontrolled migration. Hundreds of rafters landed on the beaches of neighboring countries from the Bahamas to Mexico.

The courageous men and women of our Coast Guard rescued tens of thousands of imperilled rafters, numbers which threatened to overwhelm our ability to care for and absorb them. To save lives and to ensure the integrity of US national borders, the President ordered on August 19 that Cuban migrants rescued at sea would no longer be taken to the United States but would be given safe haven at our naval base at Guantanamo Bay. As the number grew beyond Guantanamo's capacity, we secured the agreement of Panama to allow us to open a safe haven there as well. We are grateful to Panama for responding positively to our request for help. The President also instructed us to seek an agreement with the Cuban government to bring an end to the uncontrolled migrant outflow.

On September 9, 1994, we concluded such an agreement. The Cuban government pledged to take effective action to prevent unsafe and irregular departures. It agreed to receive any rafter who chose to return to Cuba—about 1600 have since returned voluntarily either through official channels or by walking or swimming directly from Guantanamo to Cuba. For our part, we committed to ensuring that legal migration from Cuba increased to at least 20,000 per year. The agreement has worked; the outflow of migrants seeking to reach the United States by raft and other unsafe means has been significantly reduced. In April 1995, for example, Cuban migrants intercepted by the U.S. Coast Guard at sea totaled 189, as opposed to 726 in the same month last year.

It must be stressed that the legal migration program established by the September 1994 accord represents a significant increase in legal migration levels from Cuba. In the years prior to the accord, the U.S. Interests Section never processed more than about 6,000 people—including immigrants and refugees—for migration to

the United States. On October 12, 1994, we announced plans to expand immigrant visa and refugee processing and to use parole authority to meet the 20,000 minimum. The U.S. Interests Section in Havana is on schedule with regard to issuing the required travel documentation. As of May 12, the Interests Section has issued travel documents to 13,795 Cubans in categories which count towards the 20,000 commitment. Another 5,414 travel documents had been issued in categories which do not count towards our numerical commitment, for example, spouses and minor children of U.S. citizens and those on the immigrant visa waiting list on the day the agreement was signed. A lottery designed to make migration to the U.S. possible for all Cubans, including those without relatives in the U.S., was announced in November; over 189,000 requests were received and an expected 5,000 will be documented for entry into the United States by September of this year.

As part of our enhanced legal migration program for Cubans, the pre-existing in-country refugee program, one of only three the United States conducts in the world, was expanded to process some 7,000 refugees during the period September 1994–September 1995. The previous level of issuance of refugee documents in Havana was about 3,000 per year. The refugee program provides a mechanism for those individual Cubans under pressure by the authorities for attempting to exercise fundamental rights and freedoms, including the right to criticize the government, to come to the United States.

The September accord also called for periodic meetings to review progress toward its implementation; three such sessions have been held thus far. Our ongoing review indicates that the Cuban government has lived up to its commitment to use persuasive methods to dissuade Cuban citizens from unsafe departures. We have no evidence that violence or coercion have been used to deter such departures, or that those attempting to leave the country using irregular means have been persecuted or discriminated against. It is important to note that despite the lack of human rights and political freedom in Cuba, the Castro regime has not taken action against the tens of thousands of Cubans who have applied for legal immigration to the U.S. at the U.S. Interests Section in Havana or against those who have returned voluntarily to Cuba from Guantanamo since September 9, 1994.

Notwithstanding the successful implementation of the September agreement, there remained a potential threat to our borders and thus to our national security posed by a new outflow of Cuban migrants, which might have been stimulated by further economic dislocation in Cuba and by the uncertain future for those being held in Guantanamo. To address these critical issues and to prevent additional loss of life at sea during the coming months, and to find a responsible humanitarian solution to the problem of the Cuban migrants at our safe haven at Guantanamo, the President directed that we build on the September 1994 agreement to further regularize U.S.-Cuban migration relations. As you know, additional discussions were held with the Cuban government last month which resulted in a new migration agreement. These discussions were unpublicized for one reason only: to avoid the very real possibility that rumors about the talks might trigger a massive exodus of new rafters seeking to anticipate any new U.S.-Cuban migration agreement. Such a disorganized panic would have presented serious risks of loss of life for Cubans on the high seas, as well risks for U.S. military personnel who are charged with maintaining order at Guantanamo.

Let me stress that these talks involved only migration issues—there were no side agreements or secret understandings. There are two principal features of the May 2, 1995 Migration Agreement.

DRAWING DOWN THE GUANTANAMO SAFE HAVEN

The first element of the new migration agreement concerns the Cuban migrants currently in our safe haven at Guantanamo. We will continue to bring into the United States those persons who are eligible for parole under the guidelines announced last October and December. These cover mainly children, the elderly and the medically ill, with their families. Over 11,000 such persons have already arrived, and an additional 5,000 remaining at Guantanamo will likely be eligible for parole on these same grounds. Following completion of processing under these categories, we will continue to parole into the United States, on a case-by-case basis, all other Cubans in the safe haven, provided they are not ineligible for admission because of criminal record, medical, physical or mental condition, or commission of acts of violence while in U.S. safe havens—these persons will be returned to Cuba. In admitting these additional migrants we will bear in mind the impact of this “special Guantanamo entrants” program on state and local economies. The President has directed that the relevant agencies work urgently to determine how the federal government can be of assistance to Florida in coping with this problem. In addition, we are mindful of

the need for adequate sponsorships. As has been the case for all Cubans and Haitians previously paroled into the United States from Guantanamo, sponsorship and resettlement assistance will be arranged prior to entry. We expect this process to take about eight months, resulting in the closing of the Guantanamo safe haven by early spring 1996.

These special Guantanamo entrants, who are expected to number approximately 15,000 will not represent a net increase in overall Cuban migration. Rather, they will be credited against the 20,000 annual Cuban migration figure which the United States agreed to in September 1994, at a rate of 5,000 per year for three years, beginning September 1995, regardless of when the parolees arrive in the United States.

The Government of Cuba has agreed to accept all Cuban nationals in Guantanamo who wish to return home, as well as persons at the safe haven who were previously excluded or deported from the United States or whom the United States deems ineligible for admission.

This course of action was necessary because the situation at the Guantanamo safe haven was not sustainable over the long term. I will defer to my military colleagues to explain the situation on the ground there in greater detail. We became convinced that the potential for unrest—and quite possibly violent unrest—in the Guantanamo camps was real, especially following the departure by mid-summer of the last of those who qualified under the existing humanitarian parole categories. In addition, the cost of administering the safe haven is approximately \$1 million per day, and at least \$90 million would have been needed for civilian contracting if the facilities were to be used over the long term. Finally, these particular migrants, owing to the length of time they had remained outside Cuba proper, had been dislocated, lost their jobs and in some cases their housing, and this represents a humanitarian way to address their situation.

FUTURE UNAUTHORIZED MIGRATION

The second element of the May 2 agreement provides that Cuban migrants rescued at sea while attempting to reach the United States will be taken back to Cuba, where U.S. consular officials will meet them at the dock and advise them how to apply to come to the United States through existing legal mechanisms. All such returnees will be permitted to apply for legal migration, including the expanded refugee program. The government of Cuba has committed to the United States that no one will suffer reprisals, lose benefits or be prejudiced in any manner, either because he or she sought to depart irregularly, or because he or she applied for legal migration to the United States. As noted above, the Cuban government has lived up to a similar commitment made in the context of the September 1994 agreement.

Let me describe how this has worked so far. After being rescued by the US Coast Guard, Cuban rafters heading for the United States will be read a statement explaining that they will be taken back to Cuba where they can apply for legal migration. Trained, Spanish-speaking Immigration and Naturalization Service officers will be available on Coast Guard cutters to evaluate any claims the migrants may make regarding fear of return to Cuba. These are the procedures which were followed in the handling of the initial groups of rafters rescued since May 2. In all these cases the INS officer's determination was that the migrants could safely be returned to Cuba. A similar process will be available for post-May 2 arrivals at Guantanamo.

In the cases we have had thus far, a U.S. Coast Guard Cutter returned the rafters directly to Puerto Cabanas, Cuba, where officers of the U.S. Interests Section boarded the cutter. They spoke with all the migrants, and gave them information and application forms for legal migration to the United States, as well as a pass to the Interests Section in Havana. The migrants then left the cutter, and boarded Cuban buses which took them to a Havana center for reentry processing. U.S. Interests Section officers waited at the center to ensure all the migrants got through the reentry without incident—and thus far there have been no incidents. The migrants were then provided transportation by the Cuban government back to their homes.

Now, as I said earlier the Cuban government lived up to its September, 1994 commitment not to harass those who voluntarily returned to Cuba from a U.S. safe haven, and we demanded firm commitments that returned rafters would not be subject to arrest or harassment because of their illegal departure. We received those commitments. We insisted that the U.S. would have to be able to verify for ourselves that rafters were not being threatened or penalized, and Cuba agreed we could do so. After the first group of rafters returned to Cuba on May 9, the Cubans facilitated the immediate travel of two U.S. Interests Section officers to Camaguey to meet with each of the first 13 returnees. In private interviews the officers verified that

migrants had returned directly home from the processing center, that they were able to return to their lives without repercussion for their illegal departure. Allegations of mistreatment of the first group of 13 returnees were not substantiated and criticism of the role played by U.S. Interests Section officer Ted O'Connor in this operation were irresponsible and without foundation. Mr. O'Connor boarded the U.S. Coast Guard cutter on May 9 to brief the migrants on their right to apply for legal migration, to inform them that U.S. officers would monitor their status closely, and to urge them to come to the U.S. Interests Section if they had any problems. Mr. O'Connor is well-known to the thousands of Cubans who have passed through the doors of the U.S. Interests Section in the past year as a dedicated public servant. Verbal attacks against Mr. O'Connor labeling him an agent of Cuban state security were malicious and unjust and led to threats against him.

The U.S. Government will continue to monitor the treatment of returned Cuban migrants through calls and spot visits by U.S. Interests Section personnel, reports from non-governmental organizations working on human rights, and through direct reporting from the returned migrants and their families. The U.S. Interests Section will collect and maintain biographic information on returned migrants to facilitate subsequent monitoring, and the Department will ensure that the office in Havana has the requisite personnel and resources to carry out these functions.

Cubans who reach the United States through irregular means will be placed in exclusion proceedings and treated as are undocumented migrants from other countries, including being given the opportunity to apply for asylum.

It must also be noted that the arrival of warm weather has signaled the start of the period in which rafting historically reaches a peak. While, prior to May 2, the number of interdicted rafters was well below the same period last year, it has been evident that some Cubans intended to persist in this risky venture. The announcement that Cuban migrants henceforth will not be allowed to enter the United States by illegal means should have a deterrent effect on future irregular departures.

We in the Administration feel deeply about the plight of the people in Cuba. We too feel frustration at the lack of progress toward political freedom on the island and the economic deprivation borne by its 11 million inhabitants. U.S. policy is designed to bring about change in this sad state of affairs.

At the same time we came to the reluctant conclusion that it was not possible for the U.S. to continue to admit all Cubans who sought to come here, and that leaving migrants indefinitely in Guantanamo was neither humane nor sustainable.

It is important to understand that our migration accords with the Cubans, and the decision to allow Cubans to enter the U.S. from Guantanamo, were made in order to help the U.S. better control its borders, to deal with the humanitarian problem posed by prolonged migrant residence on Guantanamo, and to promote legal, orderly migration from Cuba that ensures adequate sponsorship of new arrivals and ends the life-threatening rafter phenomenon. These migration agreements stand alone.

They do not signal any change in our policy towards Cuba, which is, let me state one more time, that we seek a peaceful, timely transition to a democratic government in Cuba, one which respects basic freedoms and human rights, one which promotes economic liberalization and individual enterprise, one which provides opportunity and liberty to all its citizens. It would be a mistake to encourage hope on the part of the Cuban government that there has been or will be a change in U.S. policy toward Cuba as a result of these migration agreements.

THE PROPOSED CUBAN LIBERTY AND DEMOCRATIC SOLIDARITY ACT

I know all the members of this Subcommittee share with us the objectives stated in the Cuban Democracy Act. Now you, Mr. Chairman, have proposed legislation—The Cuban Liberty and Democratic Solidarity Act—elaborating on those goals. In his testimony before this subcommittee on March 16, Assistant Secretary Watson explained the Administration's preliminary views on the draft bill. As you know, on April 28 we formally conveyed the Administration's views on the proposed legislation to Chairman Gilman in a letter from Assistant Secretary of State for Legislative Affairs Wendy Sherman.

Since I am certain that you and other committee members have seen that letter, I will not go into great detail here. There are aspects of the bill we support. These include making the embargo more effective, accelerating planning for assistance to Cuba under a transitional or democratic government, and protecting American property interests in Cuba. As the President has stated, we believe the Cuban Democracy Act provides the necessary framework to pursue our central goal of promoting a peaceful transition to democracy in Cuba, and we are ready to work with the Congress to discuss ways in which we can strengthen this policy.

As currently drafted, however, some of the bill's provisions would not effectively advance our ability to further a peaceful, rapid transition to democracy in Cuba. One concern is to ensure that legislation not infringe upon the President's authority under the Constitution to conduct foreign policy, nor on his flexibility to respond appropriately to evolving situations. We are also concerned that a number of the bill's provisions could conflict with other important U.S. interests, including our compliance with major international trade and investment agreements, including GATT, NAFTA and Treaties of Friendship, Commerce and Navigation, and our arms control cooperation with and support for democracy in Russia.

Language in one section might also conflict with U.S. obligations under the charters of international financial institutions such as the IMF and World Bank. Several of the bill's provisions, particularly those concerning confiscated U.S. properties overseas, could be difficult to defend under international law. The bill's sanctions could affect persons not directly related to any decision to invest in or do business involving confiscated U.S. properties—shareholders in mutual funds; spouses and dependents of principals; and others.

As you are aware, our allies and most important trading partners in Europe and North America have voiced their strong opposition to several provisions of the bill. If enacted, these provisions could prompt retaliatory measures that would severely disrupt essential U.S. trade relationships. Some could also set precedents that could undermine U.S. commercial interests around the globe. For example, the proposed ban on the entry into the U.S. of sugar products from countries that import Cuban sugar would likely be viewed by others as a secondary boycott, similar to the Arab League boycott on Israel that the U.S. has vigorously opposed. The provision enabling owners of claims on confiscated U.S. property to sue "traffickers" in those properties in U.S. courts, meanwhile, could open the door to a wave of lawsuits in the U.S. and undermine principles of international law that have served U.S. business and the U.S. Government well. The provision as drafted is global and could invite a variety of foreign nationals to seek U.S. citizenship in order to pursue their property issues in our court system.

The United States Government is firmly committed to protecting the property rights of all Americans, including those persons who became U.S. citizens after their property was taken. However, as currently drafted the proposed legislation might arouse concerns among Cubans on the island that their property interests will be ignored under a future democratic government. Such fears, fed by the regime, could retard the process of democratic change. We believe there may be more effective ways than those the bill provides to protect American property interests in Cuba, and create incentives for a future Cuban government to provide compensation for, or restitution of, confiscated U.S. properties.

We know that members of the committee share our interest in promoting peaceful, democratic change in Cuba in ways that are effective and do not invite complex international litigation and bitter disputes with major trading partners which would only delight and benefit the government of Cuba. We continue to believe our concerns can be resolved through consultation and look forward to meeting with sponsors to discuss the proposed legislation.

CONCLUSION

Recent discussion on Cuba in the press and elsewhere has focused on migration questions and on the legislative proposals now before the Congress. These are significant issues and merit considered debate. They should not, however, distract us from the real problem—the dire situation in Cuba itself—nor from our fundamental goal: a peaceful transition to democracy, respect for the human rights of the Cuban people and an open economy with opportunity for all.

We are keenly aware that the people of Cuba continue to suffer under a repressive regime whose misguided economic policies have deprived many of them of hope for a better life. I have described at length above the many measures we have in place to apply pressure on the regime and to initiate a revival of civil society which would empower the Cuban people to begin to be able to act in their own self-interest. Our policies are at least partially responsible for the halting steps being taken in the right direction on the economic front. But the solution to the Cubans' problems lies not beyond Cuba's borders, but rather within them. To resolve its current predicament, the Castro regime must look inward, toward the Cuban people and dialogue with them, not to seek political dialogue with the United States or other foreign governments.

Some in this country and abroad are calling for negotiations between the U.S. and Cuba over political changes on the island and what the U.S. will do to encourage

such movement. This we will not do. The future of Cuba must be decided by the people of that country and this will happen only when democracy is practiced there.

Change is coming in Cuba. How it happens will affect not only the people of Cuba but the people of the United States. We will do everything we can to help steer this change into peaceful, democratic channels, to ease what will undoubtedly be a difficult transition for the Cuban people. When Cuba becomes democratic, there will be much less desire to leave the island. We agree with those in Congress who believe that the Cuban people should know that the U.S. Government and the American people are prepared to help them get back on their feet once they are on the road to democracy.

We will continue to draw international attention to the woeful record of the Cuban government and to isolate that regime. But now is also the time to encourage new leaders, free-thinking intellectuals, the democratic opposition, and those first, struggling entrepreneurs and let them know there is a place in the world community for a free Cuba.

Now is the time to encourage church, human rights, academic, and other independent organizations in Cuba to push the boundaries of state control and assert peacefully their right to basic freedoms. Now is the time for us to support journalists, writers and thinkers who seek to free themselves of the shackles of state-controlled thought and promulgate new ideas, new approaches to life.

The Summit of the Americas, held in Miami in December, marked a major milestone; 34 of 35 nations in the Hemisphere reinforced their commitment to the shared values of democracy, human rights and prosperity for all their citizens. Only Cuba was excluded, because its government continues to shun those principles. We will help speed the day when the Cuban people can benefit from the great wave of democracy, respect for human rights and open markets which has swept the Hemisphere in recent years. Although the people of Cuba must determine their own destiny, we are ready to help them go the way of their neighbors. We look forward to the day when we will be able to work with a freely elected Cuban government and welcome Cuba back into the community of democratic nations.

STATEMENT OF REAR ADM. NORMAN T. SAUNDERS, CHIEF, OFFICE OF LAW
ENFORCEMENT AND DEFENSE OPERATIONS, U.S. COAST GUARD

Good morning, Mr. Chairman and distinguished members of the Subcommittee. I am Rear Admiral Norm Saunders, Chief of the Coast Guard's Office of Law Enforcement and Defense Operations. It is a pleasure to appear before you today to represent the Commandant, Admiral Robert E. Kramek. Today, I will discuss the Coast Guard's role in discouraging dangerous vessel departures and deterring illegal immigration from Cuba, as well as the impact the recent change in the disposition of Cuban migrants has had on the Coast Guard. I know first hand the realities of Coast Guard operations regarding Cuban migrants, as I have been responsible for operations in the Seventh Coast Guard District, located in Miami, as well as commanded cutters and shore units in this area.

There are four points I'd like to make today. First, the Coast Guard is the nation's premier maritime law enforcement agency, and we play a key role in immigration law enforcement by interdicting undocumented aliens at sea. We are also the nation's premier agency for the safety of life at sea, and as the Cuban migrant interdiction mission is typically a blend of safety of life at sea and law enforcement, the Coast Guard is uniquely suited for this mission.

The Coast Guard has been involved in enforcing U.S. policies regarding Cuban migration since the port of Camarioca was opened by Fidel Castro in the fall of 1965. We were also heavily engaged during the Mariel boatlift of 1980 in which some 125,000 Cubans arrived into the U.S. More recently, in August and September of last year, the Coast Guard conducted Operation Able Vigil in which over 30,000 Cuban migrants were rescued at sea and taken to safe haven at Naval Station Guantanamo Bay, Cuba.

On May 2, 1995, the Attorney General announced that the U.S. and the Republic of Cuba had reached an agreement on steps to further regularize their migration relationship. This statement contained two elements. The first stated that the two governments had agreed that the process of humanitarian parole for those migrants in the Guantanamo safe haven should continue beyond the existing criteria. This does not directly involve the Coast Guard, so I will not address that aspect of the joint statement. However, the second part of this statement declared that, effective immediately, Cuban migrants intercepted at sea and attempting to enter the U.S. would be returned to Cuba. This directly involves Coast Guard operations.

My second point is that our operations are not significantly changed by this announcement. Coast Guard maritime patrol operations consist of many phases, including detection, monitoring, interception, recovery and disposition. Many missions are conducted during these patrols, such as search and rescue, counterdrug, fisheries, marine environmental protection and migrant interdiction. The joint statement announced a change in the disposition of Cuban migrants, that is, simply where and to whom the Coast Guard transfers Cuban migrants rescued at sea. Therefore, Coast Guard operations remain largely unaffected.

Compared to the previous disposition guidance for Cubans intercepted at sea, which was to take Cuban migrants to Guantanamo Bay, the return of Cubans to a port on the north coast of Cuba reduces the transit time of our cutters by about a factor of four. With the transit time out of the operating area now significantly reduced, the entire patrol process is expedited, which means a cutter can return to the patrol area more quickly. With all else constant, this results in more efficient migrant operations.

My third point is that, although it is too early to reach any definite conclusions, we expect the deterrent value of this statement to reduce the number of Cubans attempting the dangerous journey across the Florida Straits, and so reduce the number of migrants in distress at sea. Prior to the joint statement, the number of Cubans intercepted at sea by the Coast Guard this year had started to increase as winter subsided and the weather improved. In March of this year, three Cuban migration events occurred with a total of 25 Cubans intercepted by the Coast Guard. In April, 16 events occurred involving 189 migrants. Based on historical observations and an analysis of the Cuban situation, we had anticipated more events in May than in April. However, since the statement was announced and implemented on May 2, there have been substantially fewer events intercepted by the Coast Guard than expected (only four events involving 47 migrants as of May 17, 1995).

We are optimistic that this disposition practice will encourage Cubans to utilize legal migration procedures and not take to the seas in overloaded and unseaworthy vessels in illegal immigration attempts. Thus, we expect this disposition practice will enhance the safety of life at sea, deter illegal immigration, and because less Coast Guard resource time will now be spent in transit, also result in more effective Coast Guard patrols.

As to my fourth point, the Coast Guard has implemented the guidance set forth by the Attorney General in her statement of May 2, 1995. Those migrants intercepted at sea are advised they will be taken back to Cuba where U.S. officials will meet them at the dock and assist those who wish to apply for refugee admission to the U.S. at the Interests Section in Havana. They are told the Government of Cuba has provided a commitment to the U.S. government that they will suffer no adverse consequences or reprisals, and that only those individuals who apply through the U.S. Interests Section in Havana and meet the requirements, will be certain of entering the U.S.

Persons claiming a genuine need for protection which they believe cannot be satisfied by applying at the U.S. Interests Section in Havana, are examined by an officer from the U.S. Immigration and Naturalization Service aboard a cutter in the operating area. The officer determines whether the individual possesses genuine fears for his or her safety that would justify a decision not to return. A Coast Guard officer has been assigned to the U.S. Interests Section in Havana as a liaison to assist in coordinating the operational details between the Coast Guard, U.S. Interests Section, and Cuban Border Guards for the return of the migrants.

In summary, as the nation's premier maritime rescue and law enforcement agency, the Coast Guard plays a key role in enforcing the immigration laws and policies of the U.S. We have fully implemented the operational changes engendered by the announcements on May 2, and they do not degrade our maritime patrol operations, but rather enhance the effectiveness of our patrols. As a result, we anticipate this practice will reduce the number of Cuban migrants attempting the dangerous journey across the Florida Straits, and so enhance the safety of life at sea as well as reduce illegal immigration to the U.S.

Thank you Mr. Chairman. I would be happy to answer any questions.

PREPARED STATEMENT OF DORIS MEISSNER, COMMISSIONER, U.S. IMMIGRATION AND NATURALIZATION SERVICE

Mr. Chairman and Members of the Subcommittee:

Good morning. I am pleased to have the opportunity to discuss with you today the Administration's Cuban migration policy and the role of the Immigration and Naturalization Service (INS) in implementing the policy.

President Clinton in July 1993 eloquently expressed this Administration's immigration policy, stating that we must say no to illegal immigration so that we can continue to say yes to legal immigration. We have been consistent in our efforts to deter illegal immigration while protecting legal immigration. It has long been the policy of the United States that persons wishing to come to the United States should do so by legal means. Over the past year, the Administration has taken significant steps to implement that policy with respect to Cubans and to ensure that migration from Cuba to the United States will be safe, orderly and legal.

Two recent migration accords with the Government of Cuba have allowed us to take remarkable strides toward our goal. Last September 9, our 2 nations agreed to take measures that would discourage dangerous sea voyages, prevent alien smuggling, encourage legal migration from Cuba and facilitate the return of Cubans wishing to go home. On May 2, we agreed to address the compelling circumstances of Cuban migrants at Guantanamo through the Attorney General's parole authority and to take additional measures to prevent unsafe departures, including the return of those Cubans intercepted at sea and those who enter Guantanamo illegally. These agreements provide a balanced framework for responding with compassion to the desire of many Cubans to come to the United States while enforcing our immigration laws with integrity. I now would like to discuss the agreements with you in greater detail and to provide you with information about INS activities in supporting the accords.

Last summer tens of thousands of Cubans took to the sea hoping to reach the shores of the United States. Tragically, many lives were lost in these dangerous voyages. Consistent with the United States' interest in ensuring safe, orderly and legal migration, in August 1994, President Clinton announced that Cubans encountered by the Coast Guard would no longer be brought to the United States but rather would be taken to safe haven facilities established at the Guantanamo Bay Naval Station, Cuba.

Periodic migration talks with Cuba, directed in the 1984 migration agreement, took on new urgency late last summer and culminated in an agreement signed by the governments of the United States and Cuba on September 9, 1994. The agreement recognized the mutual interest of Cuba and the United States in normalizing migration procedures and in ensuring safe, orderly and legal migration. The agreement addressed 4 fundamental issues: safety of life at sea, alien smuggling, voluntary return, and legal migration.

First, the United States shares a common interest with Cuba in preventing unsafe departures from Cuba which risk loss of human life. The decision of the United States to take migrants rescued at sea to safe haven facilities rather than to the United States discouraged dangerous voyages. For their part, Cuban officials have taken effective measures to prevent unsafe departures. Our combined efforts have been successful in enhancing the safety of life at sea.

Second, the United States opposes alien smuggling and is taking prompt and effective action to prevent the transport of persons to the United States illegally and to stem the use of violence by persons seeking to reach the United States by forcible diversion of aircraft and vessels. The United States has actively investigated and prosecuted cases of Cuban alien smugglers.

Third, procedures were established to permit the voluntary return of Cubans wishing to return home from safe haven facilities. 554 Cubans have returned to Cuba from Guantanamo through these official arrangements.

Finally, the September 9, 1994 agreement vastly expanded opportunities for legal migration from Cuba by guaranteeing that at least 20,000 Cubans would be authorized to come to the United States each year. Cubans are encouraged to apply for legal migration programs through the United States Interests Section (USINT) in Havana. The legal migration program has 3 main components: refugee processing, immigrant visa issuance, and parole authorizations.

INS and consular staff in Havana have been conscientious and energetic in their efforts to implement the September 9 legal migration agreement and our processing is on target. As of May 5, over 13,000 of the 20,000 migrants authorized under the September 9, 1994 agreement had been approved for travel to the United States as immigrants, refugees and parolees. In addition, almost 1,100 immediate relative immigrant visas have been issued and INS has authorized parole for approximately 4,100 visa petition beneficiaries who were on the immigrant visa waiting list as of September 9, 1994 and whose visas will not become current this year.

Cubans who fear persecution may apply for refugee status through the in-country refugee program at the U.S. Interests Section in Havana. They have the opportunity to have their claims heard without having to risk their lives at sea. Cuba is one of only three countries, along with Vietnam and the former Soviet Union, where refugee applicants may apply while still within their country of origin. More than

16,000 Cuban refugees have been admitted to the United States through this program which has been in continuous operation since 1987. This year up to 7,000 Cuban refugee admissions are authorized, counting toward the migration goal of 20,000. We already have surpassed that number, with over 7,000 refugees having been approved by INS officers in Havana.

Access to the program originally was restricted to political prisoners, under the terms of the 1984 U.S.-Cuba migration agreement. The program was expanded in Fiscal Year 1992 to include others of compelling concern to the United States such as members of persecuted religious minorities, human rights activists, forced labor conscripts, and persons deprived of their professional credentials or subjected to other disproportionately harsh or discriminatory treatment on the basis of their perceived or actual political or religious activities or beliefs.

In addition to expanded refugee processing, immigrant visa issuance in Havana has been accelerated. 3,144 preference visas have been issued to date. To further expand the movement of family members under these programs, public interest parole may be offered to the unmarried sons and daughters of Cubans issued immigrant visas or granted refugee status, as well as to family members who reside in the same household and are part of the same economic unit. 2,614 paroles of family members have been authorized.

On November 9, 1994, the United States Government announced an additional measure, the Special Cuban Migration Program (SCMP). The program gives all Cubans in Cuba, including those with only distant relatives or no direct family ties to the United States, the opportunity to apply for legal migration. The SCMP was designed to benefit Cubans who stand the best chance of quickly becoming self-sufficient. In order to be considered, any Cuban at least 18 years of age was required to mail an entry to USINT in Havana during the registration period of November 15 to December 31, 1994.

Almost 190,000 entries, postmarked in Cuba before January 1, were received. From this pool, 5,000 entries were randomly selected by an INS contractor for further processing.

Interviews began in April. Applicants are required to establish that they are admissible to the United States as immigrants, including demonstrating that they are not criminals, are not likely to become public charges, and do not have any communicable diseases of public health significance. Applicants also must be able to answer affirmatively at least 2 of 5 eligibility questions regarding education, work experience, job skills, relatives in the United States, and prior manifestation of interest in immigrating. INS has authorized public interest parole for the first 219 Cubans found eligible for the SCMP.

Next I would like to address Guantanamo and discuss how the May 2 accord provides a humanitarian solution to that issue and complements the September 9 agreement.

Over 33,000 Cubans were provided safe haven at Guantanamo Bay Naval Station, Cuba, and, from September 1994 until February 1995, in Panama. Because of humanitarian concerns, President Clinton announced last fall that certain groups of Cubans in safe haven would be paroled into the United States. These groups include persons over 70 years of age, unaccompanied minors under 18 years of age, medical cases whose care cannot be managed at the safe haven facility, and accompanied minors for whom long term presence at the safe havens would constitute extraordinary hardship, together with such immediate family members as humanitarian needs require. More than 11,400 Cubans have been paroled from safe haven facilities into the United States for humanitarian reasons, leaving a current population of approximately 20,000 Cuban migrants at Guantanamo, about 6,000 of whom are expected to qualify for parole under the existing criteria.

On May 2, the Attorney General announced another important step toward regularizing migration from Cuba to the United States. The new measures build on the September 9 agreement and provide a humanitarian solution to the situation at Guantanamo, while preventing another uncontrolled and dangerous outflow from Cuba. The new agreement conforms with our goal of closing the door to illegal migration in order to keep the door open to legal migration. Consistent with migration policy toward all other nationalities, Cubans who wish to come to the United States now must apply to do so through the legal migration programs established at the U.S. Interests Section in Havana.

The May 2 accord has 3 major elements. Cuban migrants intercepted at sea or at Guantanamo while seeking to enter the United States illegally will be returned to Cuba. Parole will be authorized for eligible Cubans now at the Guantanamo safe haven but there will be no increase in the number of Cubans coming to the United States as authorized in the September 9 agreement. Cubans at Guantanamo who are ineligible for parole will be returned home.

A significant achievement of the new agreement is the fact that the Government of Cuba has agreed to accept back all Cuban nationals in Guantanamo who wish to return home, all migrants who have previously been excluded from the United States and all migrants who are ineligible for parole into the United States due to violence, criminal activity or certain serious medical or physical conditions. With respect to Guantanamo, we will continue to bring to the United States those persons who are eligible for parole under the special humanitarian guidelines announced by the President last fall. All other Cubans in Guantanamo will be considered for parole on a case-by-case basis.

The flow of parolees into the United States will continue at a moderate and orderly rate until processing is completed. Beginning in September of this year, 5,000 parolees from Guantanamo will be credited against the annual 20,000 Cuban migration figure for each of 3 years, regardless of when the parolees arrive in the United States. Consequently, the overall legal migration level authorized under the September 9 agreement will not increase and there will be no additional impact on the states.

As in the case of existing parole referrals for children, the elderly, and medical hardship cases, INS officers carefully will consider eligibility for parole on an individual case-by-case basis. Migrants will be screened for criminal and medical ineligibilities. Adequate sponsorship will be arranged in advance by the Department of Justice's Community Relations Service. Efforts will be made to resettle elsewhere in the United States those migrants without direct family links in Florida. To date, approximately 15% of the parolees from safe havens have been destined to other states. We believe that this deliberate approach will minimize the impact of the parole program on state and local economies. Also, by reducing the threat of mass uncontrolled migration, this program minimizes the risk of a greater burden being placed on the State of Florida and its communities.

Coinciding with the traditional start of the rafting season, the May 2 agreement also seeks to ensure against a resumption of dangerous, irregular migration from Cuba to the United States while encouraging migration through legal channels. Cuban migrants now rescued or interdicted at sea by the U.S. Coast Guard attempting to enter the United States will be advised by U.S. officials that they are being returned to Cuba. U.S. Government officials in Havana will meet the returnees to provide information to migrants who may wish to apply to come to the United States through established migration programs. Cubans who illegally enter the Guantanamo naval base will be dealt with in the same way. Undocumented Cuban migrants who reach the United States, whether by sea or air, will be placed in exclusion proceedings and will be treated in the same manner as nationals of all other countries.

The Government of Cuba has provided a commitment to the United States that migrants will suffer no adverse consequences or reprisals of any sort for illegal departure or for making application for legal migration at the Interests Section. The treatment of returnees is being monitored carefully by the Department of State.

As the Attorney General promised on May 2, procedures are in place to examine the cases of migrants claiming a genuine need for protection that they believe cannot be satisfied by applying at the Interests Section in Havana. Such claims will be assessed by specially trained INS officers based on a totality of the circumstances, including the availability of the in-country refugee processing program in Havana, the monitoring of the circumstances of returnees by U.S. officials in Cuba, and the fulfillment of assurances by the Cuban government.

We at the Immigration and Naturalization Service are committed to the principles of the September 9 and May 2 migration agreements. We are prepared to fulfill our responsibilities in their implementation. We encourage steps to promote safe, orderly and legal migration from Cuba. And we support a migration policy that is consistent for all nationalities.

Thank you. I would be pleased to answer any questions you may have.

OPENING STATEMENT OF H. ALLEN HOLMES, ASSISTANT SECRETARY OF DEFENSE FOR
SPECIAL OPERATIONS AND LOW INTENSITY CONFLICT

Mr. Chairman. Thank you for the opportunity to make a statement before this subcommittee.

I will address this policy from a DoD perspective. From that perspective, the policy to draw down Guantanamo, while simultaneously returning new migrants, makes good sense. I say this from the standpoint of three considerations: (1) the costs of operating the safehaven; (2) the impact on military readiness; and (3) the potential security issues at the camps.

With respect to costs, as you know, it will have cost the American taxpayer about \$1 million per day to operate the safehaven in FY95. This was based on a residual population of about 15,000 migrants after July. Because the bulk of these costs are sunk costs, the savings for FY95 as a result of the new policy will probably not be great. However, estimated costs for FY96 had been anywhere from about \$200 million to over \$500 million, depending on how many camp operations functions we were willing to contract out. It was quite likely that more migrants would have come into Guantanamo this summer, as weather improved and rafters took to the sea. We could have ended up with several thousand additional migrants after rafting season. This would also have raised our operating costs.

The second major factor of concern to us is the impact on military readiness of running the safehaven. Although the absolute number of military personnel involved in running our migrant operations is relatively low—currently about 6,000—I would point out that this is a very specialized group of soldiers, sailors, marines, and airmen. These 6,000 represent a large percentage of military policemen, medics, civil affairs personnel, and other specialized sub-groups within those categories. These people have been deployed out of their units, thus impacting not only their own training but the capability of their parent units. This policy will allow us to return these soldiers, sailors, marines, and airmen to their jobs. We also expect a boost to the morale of our troops and their families.

Regarding security, the situation in Guantanamo was fast becoming a serious concern. We were particularly concerned about this, as we anticipated a long-term residual population of approximately 15,000 single males. These 15,000 migrants would have realized they had little hope of entering the United States. Moreover, their return to Cuba would have been difficult, since the slow rate of acceptance by the Cuban Government of those who volunteered to return led nearly one thousand of them to risk their lives by covertly returning on their own through dangerous waters and dense minefields. These migrants had no place to go and nothing to lose. The riots that occurred at the Panama camps last December were a good indicator of the potential for violent disturbances. Over 200 American soldiers were hurt in those riots and we were very concerned over the potential for violence at Guantanamo as well.

Mr. Chairman, from a military perspective, the situation in Guantanamo was not sustainable over the long term. We have provided our military advice, and articulated these concerns over the past several months. The new policy addresses these military concerns, and will enable us to close the camps, and return nearly 6,000 soldiers, sailors, marines, and airmen to their primary duties.

Thank you, Mr. Chairman.

PREPARED STATEMENT OF JORGE MAS CANOSA, CHAIRMAN, CUBAN AMERICAN NATIONAL FOUNDATION

Mr. Chairman, distinguished members of the subcommittee, thank you for the invitation to be here today to speak about the Clinton Administration's indefensible and morally bankrupt collaboration with the criminal regime of Fidel Castro. But before addressing that, on behalf of the Cuban American National Foundation, I wanted to express our utmost gratitude and appreciation to you, Mr. Chairman, and the ranking member, Mr. Torricelli, and to other members of this panel for the leadership you have shown over the past two weeks on this issue, in being so vocal and visible in your denunciation of this policy here in Washington. I cannot overstate the impact your solidarity with the Cuban American community has had in Miami at this most difficult time.

I also wanted to once again thank you Mr. Chairman for giving a voice to the voiceless, as I have with me telephone transcripts with Cuban refugees already summarily deported back to Cuba—those who have and will bear the brunt of this inhuman policy. I will mention what they have to say later in my testimony and I will ask that the entire transcript be entered in the Congressional Record.

Mr. Chairman, last Sunday a *Washington Post* columnist called the Clinton Administration's secret deal with Fidel Castro "sordid." She was being too kind. In fact, the May 2nd announcement that the United States will now be cowardens of Castro's police state defies comprehension. I have only one way to describe the secret deal with Castro behind the backs of the U.S. Congress: it is a bad policy, a bad deal, and bad politics.

BAD POLICY

In terms of policy, the Administration has set back the prospects for freedom and democracy in Cuba back twenty years. Indeed, they have just sent Castro a clear

and unmistakable signal that he doesn't have to undertake any meaningful internal political and economic reforms in order to draw the United States to the negotiating table—the fundamental premise on which U.S. policy is based.

The spectacle of a joint announcement in Washington and Havana, furthermore, has handed Castro his most significant political victory in Cuba since the demise of the former East bloc. Specifically, that victory comes at the expense of any elements on the island in any conceivable position to effect a real change. By appearing to move closer to an accommodation with him, this administration has strengthened his hand over those in the Cuban hierarchy who want fundamental change. The administration has succeeded in undermining any potential opposition within Castro's ranks. Those elements will simply "keep their heads down" to wait out how events play out with the U.S.

Accordingly, it sends absolutely the wrong signal to the Cuban people, as if Washington's concern with their plight is waning and they are drawing closer to Castro. It says to them, you can no longer count on the United States government in your aspirations for freedom and democracy—that you are stuck with Fidel Castro, so get over it.

Mr. Chairman, this administration wants us to believe they needed a deal with Fidel Castro to move Cubans out of Guantanamo and to prevent him from unleashing another wave of refugees. This argument is phony. We could have simply gone on what we were doing in allowing a steady outflow from the camps there, letting the Cuban American community provide for resettlement costs. Secondly, this administration let itself be intimidated by this outdated dictator on the "threat" of another chaotic refugees outflow from Cuba.

The reality is Castro needs another chaotic outflow of people right now about as much as he needs a hole in the head. We saw last summer the disorder in Havana during the refugee crisis, the entire breakdown of authority in Havana. We also know that the last three significant domestic disturbances in Cuba occurred on the Havana waterfront, in Regla and Cojimar—all situations where security agents tried to stop people from fleeing the island. Castro played that card last summer and simply can't afford to let it happen again, especially if we confront him with the threat of a blockade if he tries it again. But this administration has opted not to get tough with Castro—the only language he understands—and has simply capitulated to him. If we look back over recent history, Mr. Chairman, I don't believe it is any coincidence that only administrations Castro has confronted on the refugee issue have been Democratic, Carter and Clinton, and both time Castro got exactly what he wanted.

Finally, in one day this administration has wrecked more than two hundred years of one of America's most enduring principles: a sanctuary for political refugees. Perhaps the most unsavory aspect of the Clinton Administration's secret deal with Castro is the attempt to pit Cuban Americans against other Americans' legitimate concerns about the state of immigration in our country today. In a blatant and regrettable attempt to exploit the so-called angry-white-man vote and anti-immigration sentiment building in certain areas of the country, the Administration is trying to drown out Cuban American protests over their decision to force political refugees back to the Castro's police state by appealing to those forces who want the U.S. to be tough on immigration. So instead of patiently explaining the difference between illegal immigration, immigration, and political asylum, this administration has cravenly decided to promote and seek political cover behind the so-called anti-immigrant political mood in the country today.

I, for one, urge the South Florida community not to rise to the administration's bait and keep our focus on the real issue: a tyrant ninety miles from our shores denying his people's right to life, liberty, and the pursuit of happiness.

The President's advisers want us to believe they have "stabilized" immigration from Cuba, as well as contributed to the pressure cooker theory that has it that Cubans returned to Cuba will build so much pressure within Cuba that Castro will have to address their demands for real reform. They have stabilized nothing. They have put the President in a bad position. They have put the Coast Guard in a bad position. What happens if a desperate Cuban violently refuses to be sent back to Cuba? What if there's a shootout? What if there's bloodshed? What trauma will this cause the children? What if a pregnant woman jumps overboard and drowns when she finds out she's going back to face the wrath of the Cuban security apparatus? What more evidence is needed to prove Castro and his goon squads are threats to the lives of those who say 'No!' to him?!!! All this administration has succeeded in doing is throwing up barbed wire on our version of the Berlin Wall. All we have done is handed the refugee card back to Castro and solidified his own control of refugee flows from Cuba.

They throw us a bone by saying we can increase pressure inside Cuba by "bottling it up." Oh really? By giving Castro 20,000 visas to dole out as he wishes? Castro's message to the Cuban now is, "You want to leave Cuba? Just be nice and quiet and maybe I'll think about giving you an exit permit." In short, the escape valve still exists and we have handed the keys to it to Fidel Castro.

BAD DEAL

Mr. Chairman, what is one to think of the deal cut by Administration officials meeting in secret with officials of the Castro dictatorship? I would answer that even a cursory review of its terms leads one to conclude that it was an ad hoc, bumbling Keystone Cops exercise conducted by amateur diplomats who have refused to learn or accept history's lessons.

To begin with, what did we get from Castro? For the sake of argument, let's revisit the scenario. Here we had the highest level contacts between the U.S. government and the Castro dictatorship in years, in secret, and at a time when Castro is absolutely desperate to cut some sort of deal with the Americans to prove his *bona fides* and improve his image at home. Yet we came out of that meeting with no meaningful concessions from Castro. Mr. Chairman, this was "Amateur Hour" at the state Department. No wonder the two career provisions at the State Department in charge of Cuban affairs asked for reassignment.

What minimal concessions could we have come back with? Well, if we are going to begin forcibly returning Cuban refugees to Cuba and Castro's secret police, why didn't we force him to accept unlimited access to Cuba of the U.N. Special Rapporteur, who could then confirm that returned refugees are not mistreated? Castro has consistently rejected the U.S. Rapporteur from entering Cuba, as well as Amnesty International and other leading international human rights organizations.

Why didn't we demand that Castro revoke all laws under which political dissidents are harassed and persecuted, including "illegal" departure; the law of dangerousness, which allows authorities to imprison any citizen who *looks* as though he may commit a crime; "illegal" propaganda, which allows authorities to persecute any citizen that doesn't represent the Cuban Communist Party line. My goodness, don't you think these laws might have something to do with Cubans wanting to leave the island?

In cutting this deal with Castro, the administration wants everyone to know of its concern about monitoring the return to Cuban society of those who sought to leave "illegally." My response would be: Can the administration tell us how many Cuban citizens are currently imprisoned for the "crime" of illegal departure? Can it tell us how many Cubans are currently imprisoned in Cuba for political reasons?

Mr. Chairman, the answer is that we don't know. Not the U.S. government, not Amnesty International, not the Cuban exile community. The only one who knows is Castro—and he certainly isn't telling. My point is that if we can't even find out how many are imprisoned in Cuba for these offenses, then how are we going to be able to monitor forcibly returned refugees?

Will we rely on the Church or Cuba-based human rights groups? These are the most heavily persecuted and watched groups in Cuba. They are not allowed to associate or travel freely, and are taking great risk even to contact parties outside Cuba. One leader of a human rights group that monitors those departing Cuba, Francisco Chaviano, has just received a 15-year jail sentence by the Communist authorities.

Will we rely on the U.S. Interests Section and their small staff, petrified of tweaking Castro, to monitor a country with 11 million people. That does not inspire much confidence in this particular observer, Mr. Chairman.

What about those who voluntarily left Guantanamo to return to Cuba? Have any of them been visited by U.S. Interests Section personnel? My reports from Havana tell me that they have been given different color ration cards and that the only employment that they have been offered is field work. I would certainly like to hear the administration's response to this.

Mr. Chairman, it seems as if those who hatched this plan with Castro were utterly ignorant of the most basic facts about Cuba under Castro. They say they want those seeking political asylum to apply "legally" (quote, unquote) at the U.S. Interests Section in Havana. Were it all so simple. The administration seems not to be aware that it takes easily several months for a person to actually leave Cuba once they have applied for and receive political refugee status. It is Basic Castro Politics 101 that in that time these individuals lose their jobs, their ration cards, their homes, and suffer sustained harassment. In this scenario, couldn't one come to the conclusion that a Cuban citizen might believe his chances are better leaving on a raft?

How does the administration reconcile this new deal with the Castro regime's track record on those fleeing Cuba? For example, have they taken note of the fact that no charges whatsoever have been brought against Cuban officials involved in last July's sinking of the 13th of March tugboat, resulting in the deaths of 40 Cubans, many women and children, and which President Clinton himself categorized as "another example of the brutal nature of the Cuban regime"? Are they aware of any charges against Cuban security personnel who beat to death a Cuban youth in October 1993 in the town of Regla for attempting to leave Cuba illegally? Have any charges been filed against security personnel for killing 3 Cuban citizens and wounding a dozen others, including two Americans in the town of Cojimar in July 1993, again, attempting to leave Cuba illegally?

The answer to these questions is a resounding "NO", Mr. Chairman, and that is the reason the Administration's own spokesman, Mr. Richard Nuccio, stated the painfully obvious when he told the Miami Herald that they could not guarantee any reprisals will be inflicted by the Castro regime on those who fled Cuba seeking only a chance to live free.

Already, the Cuban American National Foundation has recorded pages of telephone calls from some of the original 13 refugees that were sent back to Cuba after being picked up by a cruise ship south of Cuba. Not surprisingly they are already complaining of harassment by security agents, who are following them and staking out their homes. As one of those refugees, Julian Avalos, told us, "I tried to explain it to them [the U.S. diplomatic personnel] that they [the Cuban government] will not keep their side of the agreement. This has been going on for thirty-some years. We know how it works."

Yes, Mr. Chairman, we too, know how it works. You know how it works. The officials of the Cuban government in this room know how it works. Everyone knows how it works except for, apparently, the administration officials who hatched this deal. And, unfortunately, the results of their incompetence will be visited on defenseless Cuban men, women, and children who have dared to say no to Castro's obstinate dictum, "Socialism or Death."

BAD POLITICS

Again, in one day this administration wrecked the strong bond between the White House and two million Cuban Americans. How did the administration think the Cuban American community would react to secret negotiations with the criminal regime in Havana, which is at its weakest point in three decades? To wake up one day and suddenly their compatriots are being sent back to Cuba? And this being a country whose independence and freedom the United States basically mid-wifed earlier this century and to whom it committed itself then to always support its freedom? Basically, the administration only reinforced their image they can't be trusted and they will jettison any group for purely political reasons. What kind of signal does this betrayal send around the country, indeed around the world? The administration also wrecked many years of strong bipartisan support between the Executive Branch and Congress on Cuba policy. Again, the only beneficiary of the breakdown in this relationship is Fidel Castro.

CONCLUSION

Mr. Chairman, before I concluded I wanted to revisit for one moment the issue of immigration. Americans have every right to expect our government to be tough on immigration policy, especially and primarily against illegals that abuse the generosity of this great country. But if you want to appear tough on immigration in this case that means going to the source of chaotic refugee flows to the United States. In Haiti, this administration recognized this obvious point and put an effective end to political refugee flows from Haiti by dealing with the thugs who forced them out. With Cuba, we simply keep reinserting the refugee card into Castro hands so that he can play it whenever the mood strikes him. And if he can stoke divisiveness in South Florida with this issue, why not?

Lastly, Mr. Chairman, this past December Representatives Lincoln Diaz-Balart and Ileana Ros-Lehtinen wrote a letter to the President to express their concern over Mr. Morton Halperin at the National Security Council and his attempts to soften U.S. policy toward the Cuban dictator. (Representative Bob Menendez subsequently called for Mr. Halperin's resignation.) In his response to the letter, the President stated he was "confident" in the advice he was receiving on Cuba from his subordinates.

Mr. President, they have sold you a bill of goods in Cuba. This policy is indefensible morally and has only succeeded in strengthening Fidel Castro's hand in Cuba. I think the White House is deluding itself if they think they can hide behind so-

called anti-immigrant sentiment. These advisers to the President aren't interested in immigration, nor, in my opinion, do they have the President's best interests at heart. They are on a quixotic mission to reverse 30 years of U.S. policy toward the most repressive dictatorship this hemisphere has ever seen. They don't see Castro as an evil tyrant, only someone we have "misunderstood" and that U.S. policy is to be blamed for the situation in Cuba today.

As for the Cuban American National Foundation and our members and supporters, I have only one thing to say, to Congress, to the assembled press corps, and to the White House: Ladies and gentlemen, we have been at this too long, we have put too much of our blood, sweat, toil, and tears into this cause, this long twilight struggle to defend the rights of our countrymen, to be in any way sidetracked by amateur diplomats and counterculture, unreconstructed Leftist political appointees at the National Security Council still pursuing their anachronistic pipe dreams and attempting to salvage their last remaining icon, Fidel Castro.

We call on the President to rescue U.S.-Cuba policy from the incompetent administrators who hatched this perverse deal with Fidel Castro. Join us once again on the right side of history. The Cuban people will be free. We will prevail. Now is not the time to promote appeasement or accommodation. Fidel Castro has had every opportunity in the past 30 years to demonstrate the slightest interest in freedom for the Cuban people. He has shown none. That calls for repudiation and isolation, not self-doubt or a guilt complex on our part. Again, we will prevail and we call on all right thinking people to support the return of freedom and democracy to our beloved homeland.

Thank you very much.

TESTIMONY OF HON. OTTO I. REICH, DIRECTOR, THE BROCK GROUP, SENIOR
ASSOCIATE, CENTER FOR STRATEGIC AND INTERNATIONAL STUDIES

Mr. Chairman and Members of the Committee: Thank you for the opportunity to present my views on the recent change in immigration policy toward Cuba. I would like to begin with a historical observation.

Last week we commemorated the 50th anniversary of the end of the Second World War. Along with scenes of liberated cities and concentration camps, we saw on our television screens the piles of corpses and walking skeletons of the victims of combat and of the Holocaust. The images of the war's physical devastation and human suffering are still vivid, even after five decades. So are the questions: why did this happen? Could it have been avoided? How could the western democracies have been so blind and impotent in the face of aggression?

I hope I am forgiven if I bring up WWII in a hearing about Cuba. For me, WWII is pertinent to today's topic. Since among the victims of that war were my grandparents and other relatives I never met, for me that war holds many lessons. One salient lesson is that appeasement does not bring peace, it merely postpones the day of reckoning.

I thought we had learned that particular lesson, but last week we heard that we now trust a dictator with one of the worst records of human rights violations in history to not punish his defenseless enemies. This sounds familiar. We should recall what Neville Chamberlain said of his meeting with Adolf Hitler in Munich, in September of 1938: "In spite of the hardness and ruthlessness I thought I saw in his face, I got the impression that here was a man who could be relied upon when he had given his word."

We all approach life's choices from different perspectives. In my case, the perspectives include:

1. That of a former U.S. Ambassador to a relatively affluent South American country who saw long lines of visa applicants trying to leave for the U.S.
2. An official in USAID and State Department in the 1980's who had to deal with the issue of refugee flows from Central America, primarily from El Salvador and Nicaragua, caused by economic dislocation, political repression and war.
3. The Deputy of the U.S. delegation to the United Nations Human Rights Commission, in 1991 and 1992.
4. A descendant of a WWII refugee, but also of Holocaust victims who were not lucky enough to become refugees in time.
5. And finally, a 14 year-old Cuban refugee, an immigrant who is eternally grateful to this country for saving my life and that of my family and giving us the opportunity to succeed—or fail—in freedom.

Based on those (and other) experiences I have some observations on today's policy debate:

Any government has the right and sometimes even the necessity to negotiate in secret. When it does so, however, it has a responsibility to avail itself of all relevant data and experiences. It is difficult to do so when the secret negotiators cut out the institutional memory of the U.S. government, namely the State Department bureau with jurisdiction for the region in question. It also needs to make sure that the resulting policy can withstand the light of day.

As a former Ambassador, I am concerned about the impact of these secret negotiations on the myriad diplomatic talks which take place everyday. What signal does it send to our friends and adversaries that while the official State Department team was negotiating in one city, a secret team was offering a much better deal elsewhere?

The U.S. has the right to control its borders. There is an understandable feeling that the U.S. cannot absorb all of the people in this world who would like to come to this country—for whatever reason. I believe we already re-settle more permanent refugees than all other nations combined.

Having said that, we must differentiate between political and economic refugees. In some cases, such as those fleeing El Salvador in the 80's and Haiti in the 90's, the line is blurred, but there is a difference and we need to have a compassionate, realistic response to both. In past we have provided extended voluntary departure for those refugees from many places who had a genuine fear of persecution. Surely the most powerful nation on Earth has the capacity to formulate a moral response to serious issues such as this one.

If we want to remain open as a refuge for those who may lose their lives if they do not find sanctuary, we must be realistic about our country's absorptive capacity, both physical and psychological. But if the U.S. turns away political refugees, particularly from this hemisphere, where do they go? What happens to them?

I mentioned earlier that I am the descendant of refugees. My father was an Austrian Jew who fled Vienna in August of 1938, six months after Hitler annexed Austria. He traveled several hundred kilometers to the Swiss border. Climbing the Alps, he evaded the German patrols and crossed into Switzerland and eventually into France where he began his efforts to try to get his parents out of Austria. In 1939 the war broke out and, being a foreigner in France and wanting to fight the Nazis, my father joined the French Foreign Legion.

For him, however, and for the French forces, the war did not last long. After the French surrendered to the invading Germans, and with the help of relatives in the U.S., my father was lucky enough to leave North Africa on a Portuguese freighter and eventually land in Cuba.

If France had not given my father refuge, where would he have gone? If Switzerland had turned him back at the border, I am afraid I know where he would have ended up—one of the extermination camps where the rest of his family ended up—places like Dachau, Auschwitz and Terezin.

To me, this has pertinence to today's topic: Less than three years before my father arrived in Havana harbor, another ship carrying European Jews arrived there: The German ship *St. Louis*. In a diabolical but masterful propaganda ploy in the Spring of 1939, the Nazis had allowed those refugees to leave Hamburg bound for Cuba but had arranged for corrupt Cuban officials to deny them entry even after they had been granted visas. It was the objective of Nazi propaganda minister Joseph Goebbels to prove that no country wanted the Jews.

The *St. Louis* was not allowed to discharge its passengers and was ordered out of Havana harbor. As it sailed North, it neared U.S. territorial waters. The U.S. Coast Guard warned it away. President Roosevelt had said that the United States could not accept any more European refugees, as untold thousands had already fled Nazi terror in Central Europe and many had come to the depression-racked United States.

Nearly two months after leaving Hamburg, and due to the efforts of U.S. Jewish refugee-assistance groups, the ship was allowed to land in Holland. Four nations agreed to accept the refugees—Great Britain, Holland, Belgium and France. Two months later, the Nazis invaded Poland and the Second World War began. Over 600 of the 900 passengers on the *St. Louis* were killed by the Nazis before the war was over. When we refused the *St. Louis* permission to land, decent Americans were embarrassed. When we found out after the war what happened to the refugees, we were ashamed.

Today, another totalitarian regime is using refugees as a propaganda tool. And I am afraid the U.S. has once again made the mistake of playing into the dictator's hand. The U.S. policy of not allowing Cuban refugees to reach our shores is wrong. These are not people who can return to their homes. In a totalitarian society, once you declare yourself as a dissident—and wanting to leave Cuba is an act of dissidence—you are an "enemy of the State"—you lose your job, your ration card—your

ability to eat and feed your family—you come under attack from government mobs for your political beliefs, as Jews did for their religious beliefs—"acts of repudiation" they are called in Castro's Cuba. In Nazi Germany and Austria they had names such as Kristalnacht. Regardless of the name, the terror they inflict in their victims is the same.

I am not trying to equate Nazi Germany to Castro's Cuba. I would never minimize the unrivaled atrocities of the Holocaust. But even in different cases there are many parallels. Toward the end of WWII, as evidence was mounting about the existence of the death camps, most American news organizations refused to believe them and dismissed the reports as Allied propaganda. Today many American and Western news organizations, denied access to Castro's Gulag, and unaware of the sophisticated methods of political repression used in Cuba, also downplay the violation of human rights there. The Cuban government today employs one internal security officer for every one thousand citizens. This is more than twice the ratio of Gestapo and other security agents in Hitler's Germany in 1939.

Americans have been blessed by two hundred years of uninterrupted freedom. For that reason we find it difficult to understand what it is like to live in a dictatorship. It is especially difficult to believe that there is such a thing as a totalitarian dictatorship, where the government controls the totality of human existence, as the definition implies. Most Cubans have had the unfortunate experience of living under both an authoritarian and a totalitarian dictatorship.

Under a traditional authoritarian dictatorship, for example, one does not become an enemy of the state, and therefore incurs its brutality, unless one takes an action challenging the authority of the state. It is not pleasant to live under these systems, which are violent, arbitrary, and corrupt. Under a totalitarian dictatorship, however, you are presumed to be an enemy of the state unless you daily behave as a supporter of the political system. Anything less than complete obedience is considered politically dangerous and the repressive apparatus of the state soon comes to bear down upon the violator. Cuba cannot be compared to any other nation in the Hemisphere. Cuban citizens are arrested and jailed for being "unduly wealthy," for hiring a worker, for organizing a newspaper or a labor union, or for the Orwellian crime of appearing to be "dangerous."

That is why we cannot believe the Cuban government when it says that returning refugees will not be harassed. Perhaps not today, while the cameras or reporters are still there. But as soon as it is possible, a price has to be paid by those who have declared themselves unhappy with the system. Up to now, the penalty for trying to leave Cuba has been three years in jail.

If we want the refugee flow from Cuba to cease, we must have a policy consistent with that objective—as we did in the case of Haiti. We must deal with the cause and not the symptoms of a problem. Cubans will not stop trying to leave until there is freedom in Cuba. Economic conditions in Cuba will not improve until communism disappears.

So what should our stance be? First, the United States should never negotiate out of weakness. Successful agreements are negotiated from a position of strength. The United States is the only superpower left. Conversely, Castro has never been weaker: economically, politically, militarily. He is using refugees as a weapon because he has no other weapons left. Our allies claim to have influence due to their continued diplomatic and commercial presence on the island. We should use our diplomatic skills to convince those allies to use that influence to force Castro to loosen his grip on power. That is obviously in the interest of the Cuban people. That should also be a unilateral action by the Cuban government.

Castro did not consult or negotiate with the U.S. when he decided to impose his totalitarian regime and he does not have to consult or negotiate with us to dismantle it. He only needs to negotiate with the people he has imprisoned and impoverished for thirty six years.

Thank you.

TESTIMONY OF ELLIOTT ABRAMS, SENIOR FELLOW, HUDSON INSTITUTE

CLINTON ADMINISTRATION POLICY SHIFTS TOWARD CUBA

Mr. Chairman and members of the Subcommittee:

Thank you for this opportunity to testify to the Subcommittee today on a sad development in American foreign policy.

As you know, the Universal Declaration of Human Rights states that "everyone has the right to leave any country, including his own." [Article 13] This right to emigrate has been repeatedly endorsed by American presidents and American Con-

gresses, and formed the basis of the famous "Jackson Amendment," which penalized the Soviet Union and other communist countries for their refusal to allow freedom to emigrate.

In 1973 Andrei Sakharov wrote an Open Letter to the US Congress urging it to pass the Jackson Amendment which he called "simply a defense of international law." He strongly warned against "the abandonment of a policy of principle," which he said would be a "betrayal" of those who sought to emigrate, and "tantamount to total capitulation of democratic principles in the face of blackmail, deceit, and violence."

I believe that we have recently seen such a capitulation to the Castro regime.

The Administration's decision to admit, over time, the Cubans now being held at Guantanamo Bay Naval Base is both humane and, under the circumstances, probably inevitable. Not so long ago I had the opportunity to debate Mr. Morton Halperin of the National Security Council staff before the National Jewish Community Relations Councils on the subject of human rights policy. I attacked the policy of holding would-be refugees in detention camps at Guantanamo, and Mr. Halperin strongly objected to the criticism. They are not forcibly detained there, he said; anyone who wants to can always go back to Cuba. This was, I thought, a shameful response, and revealed an attitude toward Cuba that I would not support. It revealed the view that Cuba should be considered as and treated as a "normal" country.

Now, the Administration knows better. People do not risk their lives in small boats to flee "normal" countries. To suggest that there was no moral problem in forcing those detained at Guantanamo to choose between endless detention in the camps there, or a return to life in communist Cuba, was willful blindness.

The problem of Guantanamo will now be solved, but the Administration's willful blindness toward Cuba continues. For now, it is American policy forcibly to hand would-be refugees over to the Cuban government—in chains, if need be. Of course, if Cuba were a normal country—poor, with some problems of violence and new, highly imperfect democracies, like many of its neighbors—that might be fine. But to join now with the security forces of Cuba, to make common cause with them, to cooperate with them and work with them and hand over people fleeing toward freedom to them! That is American policy today, and it is shameful.

It would have been shameful to turn Russian Jews or Pentecostals over to the KGB, where they would have been punished for the crime of trying to emigrate. It would have been shameful to throw escaping refugees back over the Berlin Wall. It is no less shameful regarding Cuba.

There are some specific questions worth asking. The fact that all the State Department's experts on Cuba were kept in the dark about the negotiations suggests one reason why some of them remain unanswered. Perhaps Mr. Tarnoff did not think of these issues, or perhaps he thought of them but decided they were just too troublesome.

It is a crime to try to leave Cuba without government permission. Did we insist that Cuba remove that statute from its books? Did we insist that the Cuban government agree never to prosecute under it anyone returned by American forces? How, under international law, can we return someone whose very act of leaving constituted a prosecutable offense in his homeland?

Is the Subcommittee confident that refugee claims will be fairly and fully examined aboard ship? Who will judge that, and how will we know if there are abuses? Will not the Cuban's return to Cuba effectively bury all evidence that a real refugee claim has been disregarded?

Just how will Cuban government assurances be monitored? How close will our liaison with Cuban security forces now be?

Suppose that one month after being returned, a former refugee is arrested for vagrancy, or theft, or who knows what trumped-up charge? How will we know what really happened; will we try to find out; will we have access to the returnee in his prison; what due process will he get in trying to clear himself? What if the individuals are mistreated not by the Cuban police but by the mobs that are called Committees for the Defense of the Revolution, so that the government can claim its innocence while in fact life for the returnee is a living hell?

Finally, and perhaps worst of all, are we keeping Cubans from entering the United States illegally, as Administration spokesmen claim—or are we keeping any and every Cuban from fleeing Cuba, regardless of their destination? This may seem incredible, but now can we be sure that the Cubans we apprehend are not aiming for Jamaica, or the Caymans, or the Bahamas? In fact we are now acting in place of the Cuban authorities to enforce their inhuman, illegal laws regarding emigration. The U.S. Coast Guard has been assigned to act as Fidel Castro's Coast Guard.

These sorts of questions suggest how repugnant is the process in which we have now entered. What could possibly motivate the Administration to adopt it? I believe

there are two explanations, and I'm not sure which is worse. The first is simple politics—the idea that people in Florida don't want any more Cuban refugees, and it's an important state, so let's just block the refugee flow.

The second explanation is pure ideology—the strong desire of some in the Administration, apparently including Mr. Tarnoff and Mr. Halper at least, to “normalize” relations with Cuba. By this they mean, end the embargo and stop the old “Cold War” special treatment of Cuban refugees. The problem with this view is that this policy reflected not some bizarre Cold War ideology, but the facts of life in Cuba—that it was governed by a communist regime which denied the most elementary human rights. It still does, of course, as reporting by Freedom House, Amnesty International, and by the State Department itself make clear. So we have stopped acting as if they were communists; the only problem is that the regime remains communist, and like all communist regimes produces refugees. What is now is that never before has any American government, of either party, worked hand in glove with the Cuban regime to prevent emigration and to enforce Cuba's emigration statutes—a statute that violates international law. For the first time ever, we are warders in Castro's jail.

I believe Sakharov must be turning over in his grave, and similarly this action makes a mockery of all the great good done by the Jackson Amendment. It is a shame and a scandal. I recognize fully that we have the right and responsibility to stop Cuban government provocations like Mariel. But to return to Cuba individuals who have risked their lives to flee its communist system is, to use Sakharov's word, a betrayal. Do we so fear them, are they such a threat to our well-being and prosperity, that we are willing to put them back into the prison that Castro's Cuba, by all accounts, remains?

When, some day, Cuba is free, there will be a great deal for Americans to be proud of in our own country's great contribution to their liberation, as there is with regard to Eastern Europe and other formerly communist states now living in freedom. Sadly there is now also something we will have to be ashamed of.

I am very glad the Subcommittee has chosen to put a spotlight on this matter, and thank you again for inviting me to testify today.

TESTIMONY OF JAY FERNANDEZ, DIRECTOR, THE VALLADARES FOUNDATION

Mr. Chairman and distinguished members of this subcommittee, on behalf of The Valladares Foundation I would like to thank all of you for the opportunity to testify on the subject of President Clinton's Administration shift in immigration policy towards Cuba.

Mr. Chairman, specifically, I would like to thank you for the interest you always show on things related to Cuba and the lack of freedom and human rights abuses that for 36 years have dominated the lives of every Cuban citizen.

The hearing The Valladares Foundation requested and that you so graciously accepted and conducted last January 25, 1995 on the sinking of the “March 13th”, a Cuban tug boat which was intentionally sunk by Cuban vessels under direct orders of the Cuban government, demonstrated without any doubt the evil nature of that regime and the extremes it is willing to go to suppress its citizens. Cubans only want to live in a free society. We heard the sad and vivid testimony of some of the survivors of that massacre in this same room.

Just a few weeks ago, for the sixth year in a row, the United Nations Humans Rights Commission, who meets yearly in Geneva Switzerland, condemned Cuba for its atrocious human rights violations. This condemnation of Castro's regime was achieved under a resolution presented by the United States Government who repeatedly in previous years has presented similar resolutions.

With these events fresh in our minds and total disbelief, on May 2, 1995 the Justice Department made an announcement concerning the new policy on people escaping from Castro's inferno. Those of us who still remember Bill Clinton's campaign for president of the United States recall him using very strong language to criticize, then President Bush, for his decision to intercept and return Haitian boat people back to Haiti.

Now in what can only be called political hypocrisy, at its best, the same policy is being implemented by President Clinton against Cuban refugees. This is being done despite the July 13, 1994 massacre and with the knowledge of Cuba's history of shooting fleeing refugees and dropping of sandbags from helicopters to sink the hastily made rafts and boats used as a means to escape.

The United States, the bastion of freedom, the country whom the rest of the world always looks up to for its unblemished record of defending the persecuted, the country who always understood the suffering of those escaping from communist countries, has, under the weak and indecisive leadership of President Bill Clinton

reached an accord with Cuba where both countries in an infamous marriage of military might, agreed to hunt down innocent freedom seeking refugees. Cuba's assurances of not taking reprisals against those returned was morally sufficient for the White House.

It has not taken very long for our point of not trusting the Cuban government to be proven. The Miami Herald, in a front page article on May 11, 1995, described how the very first group of refugees returned under Clinton's new policy, just hours after arriving back in Cuba, had already started to be harassed and punished for their actions by Cuba's secret police.

Abraham Lincoln, Thomas Jefferson and other brave and prestigious past United States presidents must be turning in their graves at the thought of seeing the country's military resources being used to create and maintain concentration camps and round up survivors of desperate voyages to freedom to be turned into the hands of those who they are trying to escape from. President Clinton has converted the U.S. Coast Guard into an extension of Cuba's inhumane border patrol picking up frightened refugees in international waters against their will.

The present administration, who in the ballot boxes could not obtain the approval of its citizens, proven by the November 1994 election results, tries to gain political points by sensing the anti-immigration current in the country and labels political refugees as "illegal immigrants". Consistently the past eight U.S. presidents have called these people victims of oppression and brutality.

Those in the White House and the State Department, architects of this new policy, seem to enjoy playing with the devil and punishing the victims of one of the worlds most repressive regimes. Bill Clinton, Janet Reno, Warren Christopher, Peter Tarnoff, Morton Halperin, all principals behind this insane new policy do not know the heavy price Cubans must pay to obtain the freedom we here in the U.S. take for granted.

They should talk to Ariel Castillo here in this room today. Mr. Castillo injured his left eye during his voyage to freedom last August. Despite numerous attempts to obtain proper medical care while in Guantanamo and suffering unbelievable pain, his cries for help were ignored for two months. When help was attempted at Bethesda Naval Hospital, he learned what he knew already. If help had been provided sooner his eye could have been saved.

For cosmetic reasons, an experimental procedure was tried and an artificial implant was provided. Unfortunately, it recently failed. When Mr. Castillo went back to Bethesda Naval for help he was turned down. A recent request for reconsideration by the Defense Department was rejected. I have in my hand the eye President Bill Clinton does not want him to have. The same inhumane treatment that resulted in Mr. Castillo losing his eye in the Guantanamo fiasco, is the one driving the recently announced policy of making "illegal immigrants" out of freedom seeking political refugees.

Those that understand his plight, such as the exile community, will find the money to pay for his eye. Despite his ordeal, Mr. Castillo is not bitter or resentful. He knows that he had to pay a heavy price to be free. I now employ him in my company where for the first time he enjoys the opportunity to be a free man.

Also in this room is a 23 year old man who has suffered the inhumane and narrow minded policies of this administration. After risking his life in a hastily made raft, Arcadio Moostri and a group of friends reached the land portion of the base at Guantanamo. From there they made it on foot to the fence that surrounds the Guantanamo military compound. The initial orders from U.S. soldiers to enter the base, customary for people that miraculously make it through the mine fields surrounding this fence, were rescinded. Never before under previous administrations such an order has ever been given.

Having no other alternative, lost in thoughts and unable to comprehend why those he always considered his heroes and role models were turning him back, a mine blew his leg off as he started to return to Cuban territory, the hell he so desperately wanted to get away from. It was Arcadio's third attempt and only chance to get away from a pending jail sentence for previously trying to leave the country without the consent of the government.

While in Bethesda Naval Hospital awaiting for his wounds to heal, the inhumane nature of those handling the political fiasco of Guantanamo once again showed its ugly head. His request not to go back to the Guantanamo concentration camp was denied. He was told that he was going to be fitted with a leg and returned to the place where his original one was wasted by the Clinton Administration's lack of sensitivity. Arcadio refused any further treatment and decided that his new leg should come from people that loved and understood him, not from those responsible for him losing his natural one. The exile community made the commitment and has provided him with a new leg.

Arcadio is not bitter either. His price for freedom was high. It is sad to see policy makers in this administration acting with so little understanding of the Cuba issue and putting political considerations before what has always been the trade-mark of the United States: fighting for what is morally right.

I hope that somewhere in this administration there is still some compassion left and that Arcadio's parents, wife and three year old daughter find themselves among those who will receive visas to get away from Castro's nightmare. He desperately needs their moral support.

There are thousands of similar stories where the desire to be free is higher than the fear of drowning or being eaten by the sharks that infest the Strait of Florida. One day, the never ending list of all those who have died while trying to make it to freedom will be made available. It is obvious that those in this administration trying to punish the victims and not the creator of Cuba's nightmare, Fidel Castro, are not interested in these stories or knowing the heavy price the Cuban people have been paying in their struggle to be free.

Mr. Chairman, The Valladares Foundation has not been fooled by this administration and has consistently opposed its measures on Cuba. I remember days after the "13th of July" massacre meeting with Dennis Hays, then head of the State Department Cuban desk to protest for the weak response of the White House and the lack of interest about this incident.

It was obvious to us then that despite the severity of the crime committed by the Cuban government, forces within the Administration were trying to play down this horrible incident. We went as far as getting arrested in front of the Cuban Interest Section in Washington to generate publicity and media attention for the crime committed.

Both, the U.S. Senate and The House of Representatives, passed resolutions urging the State Department to actively take the boat sinking incident to the United Nations. All these efforts, including the sentiments of the U.S. Congress, were ignored. The deaths of forty people, including twenty innocent children were not sufficient to move President Clinton to do what the United States has always been known for. The world's leading voice against injustices and human rights violations.

Major street protests in Havana, never seen before in Castro's tightly controlled society, followed the boat incident. The world media focused its attention on Cuba. Knowing that the U.S. was being led by an indecisive and weak president, Castro orchestrated, encouraged and directed an international incident that took away the embarrassing attention his regime was receiving. The U.S., once more, was the recipient of Castro's internal political problems.

Just as with the 1980 Mariel boat lift, started by the unprecedented event of 10,000 people asking for political asylum in an embassy, the international media concentrated on the event itself and not on what caused it. The mass exodus of 32,000 people took precedent over the "13th of July" massacre and the Havana riots.

The curve ball thrown at President Bill Clinton was too much for him to handle. The United States, the world's most powerful nation, capitulates under Castro's pressure and threats of sending never ending waves of Cuban refugees. Innocent Cuban refugees used as pawns by both governments and U.S. tax payers picking up the tab for caring for 32,000 is the result of having a U.S. President not being able to fulfill the U.S. Constitution and defending the country against his enemies.

The August 1994 mass exodus of Cuban refugees should be seen by U.S. Citizens as a black page in the history of the United States where U.S. forces, trained to defend the country, were used to build and become concentration camp guards. The U.S. who has always accused others of human rights violations is now accused by prestigious organizations such as Amnesty International and Americans Watch as a human rights violator in the Guantanamo concentration camps.

An embarrassed and defeated U.S. President shamefully labels Castro's attack as an immigration problem. In negotiations with Cuba, which was the underlining reason for the entire episode. The U.S. gives in. Promises not to allow the Cuban government to change U.S. immigration laws are forgotten. Fidel Castro, the one who urged Nikita Khrushchev to launch a nuclear attack on the U.S. during the 1961 missile crisis, laughs his way out of perhaps his most crucial internal political crisis in his 36 years of dictatorship.

An incident that could have been easily handled by U.S. forces using the contingency plans we were always told existed, has changed the traditions this country and its past presidents have worked so hard to maintain for so many glorious years. Bill Clinton's recent actions prevents the U.S. from having the moral authority to criticize other countries accused of having poor human rights records.

With tears in our eyes this week we have watched the films showing the U.S. Coast Guard retuning freedom seeking refugees to a Cuban port. During the U.S. War of Independence the "ladies of Havana" as they are known in history books,

sold their jewelry to help raise funds for the U.S. Colonies in their struggle for independence against Great Britain. If alive today they would be horrified by President Clinton's actions.

The Founding Fathers fought then, as our brothers in Cuba are doing now, to see democracy as their form of government. The fact that an ill advised U.S. President, struggling for political survival, has relinquished his responsibility to fight for democracy and the principals that have made this country what it is today, should not make any of us wonder if the United States as a nation no longer deserves our respect.

We should look at the current events as one more test in our struggle and resolve to see Cuba, we hope in the very near future, become a free and democratic country. Once more, thank you Mr. Chairman for the opportunity to testify today.

TESTIMONY OF FRANK CALZON, WASHINGTON REPRESENTATIVE, FREEDOM HOUSE

Thank you, Mr. Chairman. I am the Washington representative of Freedom House, and independent, bipartisan human rights organization founded in 1941 to promote democracy and democratic values around the world. I am always honored to appear before the Subcommittee, I'd wish that the occasion was a happier one. While we meet to discuss Cuba and US-Cuba policy, the Cuban people confront sorrow, despair, and unspeakable repression.

The Administration's policy of returning fleeing Cuban men, women and children to Castro's police is a blow both to the democratic aspirations of the Cuban people, and to long-term U.S. interests in the Caribbean. The only clear winner is Fidel Castro, who has once again managed to use blackmail to his advantage.

Since 1959, under eight previous Presidents, American policy offered refuge to Cubans reaching U.S. shores. Last summer, after several thousand young Cubans rioted in Havana, Castro withdrew his "frontier guards," and more than 30,000 desperate Cubans took to the high seas on flimsy rafts. Fearful of a massive refugee outflow, Washington blinked, striking a deal with the dictator which led to the internment of refugees behind barbed wire in Guantanamo. In exchange, Castro began to patrol his beaches once again.

The Administration attempted to justify its internment policy adducing the need to provide safe havens for Castro's victims. A safe haven policy that, despite its cruelty, was interpreted in some quarters as a reaffirmation of America's commitment to provide refuge to victims of Communism.

But that was then, and this is now. The arrangement was not sufficient for Castro, whose people chafe under his rule. Fearing a repetition of last year's riot, with another hot summer approaching, and the prospects of hundreds of thousands of unemployed Cubans whose jobs are being phased out, he needed to tighten his control. He turned to his "refugee card." The result: secret negotiations between the two governments, and the Administration's decision to hand refugees over to Castro's police.

There are serious questions regarding the legality of the Administration's actions according to both international law (the duties of states to provide refuge to those fleeing persecution), and American law (the Cuban Adjustment Act of 1966), which remains in effect today.

The Administration's actions subvert the intent of the law: any Cuban who manages to run the seagoing gauntlet and makes it to U.S. soil will presumably receive the same consideration as in the past. The law's framers certainly did not envision a U.S. government that imposed impediments between the Cuban people and freedom, yet that is exactly what has happened.

And what moral or legal reason can the Administration advance to explain the returning by force to Cuba of refugees who were not on their way to the United States? That is exactly what happened to the first group returned to Cuba, who according to the U.S. Coast Guard were picked up 45 miles south of Little Cayman Island, in the middle of the Caribbean Sea, northwest of Jamaica and heading south in the opposite direction of the United States, hundreds of miles away from U.S. shores. And what about the issue of transparency. The Administration explains that American officials will interview the returnees in Cuba to make sure they are not mistreated. What about allowing NGO's to place lawyers and other observers on board U.S. cutters and warships to witness the proceedings?

One could trace the origin of what Lally Weymouth of The Washington Post calls "a sordid deal with Castro" to Havana's efforts to undermine the U.S. broadcasts designed to break through Castro's monopoly on news and information. The Cubans, just as the Poles, Czechs, and Hungarians before them, were avid listeners of American broadcasts. Radio Marti, the station founded by President Ronald Reagan de-

spite Havana's threats to do great harm to American stations, gained an immense audience in the island.

When TV Marti went on the air, Castro, perhaps sensing Washington's wavering support for the new program, denounced the broadcasts as "electronic warfare," and despite Cuba's dire economic straits, the regime has never lacked resources to prevent the Cuban people from receiving the signals. In order to accommodate Havana, the TV broadcasts take place at 3 or 4 o'clock in the morning, to prevent interference with Castro's stations. The option of placing a C-130 aircraft in the Florida Straits to serve as a flying antenna was discarded as "too provocative."

Washington's desire to avoid a confrontation was again perceived by Castro as a sign of weakness. He proceeded to jam the A.M. Radio Marti signal. The United States did nothing, saying that the Cubans could receive the radio broadcasts in short-wave. Similarly, when Russia renewed its contract with Castro for the electronic surveillance station at Lourdes, which spies on the United States, Administration officials were quoted as saying that the spy facility reassured Moscow of Washington's intentions.

The blackmailer, however, was not satisfied. Blackmailers rarely are. It was not long before Freedom House began to receive reports, recently confirmed by Assistant Secretary for InterAmerican Affairs Alexander Watson, that Castro had installed Japanese jamming equipment in the Havana metropolitan area seriously interfering with short wave Radio Marti broadcasts.

To date, the Administration has yet to take steps to ensure that TV and Radio Marti are clearly received by their intended audience. Ironically, instead of standing up to Castro, and making sure that the United States could talk to the Cuban people, the Administration opted to hold secret talks with the dictator.

The Administration changed America's long standing policy to bring it into line with the historical Communist practice of preventing people from fleeing. Castro knows that disorderly emigration is a threat to the stability and survival of his regime. He learned the lessons of Eastern Europe. From now on, in order to come to the United States, Cubans will need an American visa *and* an exit permit from the Cuban authorities. In fact the recent policy shift means that only those Cubans approved by Castro will be allowed to leave the island.

American policy has already influenced the way other governments treat those fleeing Cuba. Both European and Caribbean governments have returned refugees to Cuba in recent days. If America can collaborate with Castro's police, what can we expect from other countries geographically and historically distant from Cuba?

The new policy, hailed by Castro's Washington diplomats, does nothing to change the fact that Havana could threaten to use "the refugee card" in the future, if and when Castro desires.

Tragically, those people surrounding Castro who may be able to play a role in a peaceful political opening, will now forego any action in that direction. In the near future, we are unlikely to see the Cuban military as in Poland, the government bureaucracy as in Czechoslovakia, or the Communist cadres as in East Germany acquiescing to a democratic future. They see now the dictator firmly in the driver's seat. They are aware of his ability to manipulate the United States. They remember the execution of General Arnaldo Ochoa. They know that this is not the time to deviate from careful obedience to the Maximum Leader.

In this and other ways, the Administration's policy strengthens Castro's hand at home and is detrimental to American interest and those of the voiceless Cuban people.

The Castro-Clinton pact is not a trade accord. It is not an agreement to work together on drug interdiction, or the renegotiation of environmental accords. The policy goes to the very essence of the relationship that began more than two hundred years ago between the American and Cuban peoples. Cuban mothers took pride in telling their children that, when the American Revolution was in serious financial trouble, George Washington sent French admiral Francois De Grasse to seek funds in Havana. Unfortunately, when De Grasse arrived in Cuba, there was no money in the Treasury; the colonial government was in no position to help. De Grasse then turned to the Cubans, and as the story was later told, the women of Havana offered their gold and their diamonds, and more than a million was raised. "The million that was supplied. . . by the ladies of Havana," wrote historian Stephen Bonsal, "may with truth be regarded as the 'bottom dollars' upon which the edifice of American independence was erected." Today, the Administration has chosen to abandon the Cubans perhaps at the most perilous time in the history of the island.

Perhaps it is not too late for the Congress to convince the President that more than refugee policy is at stake. Those families fleeing oppression should not be turned back to a regime that denies every human right, that holds more than a thousand political prisoners, that uses Rapid Deployment Brigades—government

thugs that beat up peaceful dissidents—and that, as was the case in the Soviet Union, detains sane political dissidents in psychiatric hospitals where they are given electroshock therapy in order to “cure” them of their dissidence.

If the Administration continues with this policy, it will be capitulating to strong-arm tactics plied by a man with one of the weakest hands imaginable. Let's not give Castro a victory on the eve of his crushing and everlasting defeat.

PREPARED STATEMENT OF J. RAYMOND MOLINA, PRESIDENT AND CEO OF THE BROAD FRONT FOR THE FREEDOM OF CUBA (UNIDAD CUBANA)

Honorable Chairman Dan Burton, Honorable Ranking Minority Member, Honorable R. Torricelli, and distinguished members of the Committee, Good Morning. My name is Raymond Molina and I am speaking on behalf of the Broad Front for the Freedom of Cuba, which is a Front for several local and national Cuban American organizations interested in the establishment of freedom and democracy in Cuba. Our organizations are strongly supportive of the Cuban Liberty and Democracy Solidarity (Libertad) Act of 1995.

At the outset, let me say that as a Cuban American who witnessed Castro's tyranny first hand during the Bay of Pigs invasion, I am proud to be here before this august body. I am honored to be living in the greatest and most free country on earth and will never forget how America opened its arms to me, and my family, and my country men, during our time of need. I deeply respect the work you are doing here in this committee, and hope that my testimony is helpful to that work, and opens other areas of consideration in this debate. The Cuban issue is at bottom a bipartisan issue that relates to the essence of what America stands for—freedom and democracy.

The Burton Helms bill will help support the American tradition of defending freedom and democracy by imposing a stronger embargo on the last dictatorship in the Western Hemisphere, and the only country that five U.S. Administrations have condemned as a violator of human rights, and a supporter of international terrorism.

As with all geopolitical matters, there are at least two sides to the Cuba debate. Those supportive of Castro will say that the policy of embargo during the last 32 years has been a failure. Those of us, against Castro, disagree. The embargo has served as an extraordinary weapon—not only because of the pressure it has induced on Castro's economy, which is in ruins; but also because of the strong message it sends that America will not tolerate tyranny anywhere, and particularly, not in the Western Hemisphere.

However, the embargo alone is not enough. We must also support the substantial internal opposition to Castro's totalitarianism. As with the Nicaraguan, South African and Haitian freedom fighters, America must stand beside Cuban freedom seekers, not against them, by supporting their oppressors. A free Cuba will flourish economically and politically and return to the family of Democratic nations. Moreover, the threat of a future massive exodus from Cuba will be eliminated. Indeed, according to a recent survey, substantial numbers of Cuban Americans will return to the mother country, to participate in its renaissance after Castro's fall.

There are three basic reasons for supporting the Burton Helms bill:

1. Cuba is a totalitarian state dominated by a ruthless Dictator. Fidel Castro is Chief of State, First Secretary of the Communist Party, and Commander in Chief of the armed forces. The party is the only political entity in Cuba and is headed by an elite group whose membership is ultimately determined by Castro. Leadership position in Castro's Government have been dominated by white males since its inception; there are very few women or minorities, in positions with policy responsibility in the Party or the Government. Most importantly, Cuba was subsidized with an average of \$20 Million a day by the Soviet Union for over 30 years, or the equivalent of \$7,300,000,000 billion a year or \$219 billion in 30 years. Despite this unparalleled massive economic assistance, Cuba today, is the poorest country in the Western Hemisphere, under Haiti. A Cuban average salary is 280 pesos a month, the equivalent of \$2.80. Lifting the embargo and giving the regime economic assistance as some policy makers advise is precisely the wrong thing to do now that the Soviet assistance has been terminated. Such a policy will not remedy the suffering of the Cuban people, but instead prolong that suffering since it is the System in Cuba, the lack of freedom, that is the problem. No amount of economic assistance can relieve the suffering there as long as a totalitarian government exists to control and manage that assistance.

On the contrary, a stronger embargo such as that offered in the Burton Helms bill is what is needed now to get at the root cause of the suffering of the Cuban people. Such an embargo will finally cause the demise of the system, and Castro,

and thus allow a free economy to flourish. The economy there now is not free. Although Castro has allowed outside investment, the Cuban people have not benefited. On the contrary, they have suffered more in that Castro requires them to work on these foreign investment projects but does not allow the investors to pay them. The state pays them minimal, some say slave wages.

This should not be news to you. These activities are well documented. In March, the U.N. Human Rights Commission passed a resolution endorsing the report of its Special Rapporteur which made a strong and detailed criticism of Cuba's systematic violations of human rights. Amnesty International has also found such violations. Cubans have no right to change government or to advocate a change. The Constitution states that the only political organization allowed is the Communist Party. Moreover, Castro has ignored calls for democratic reform and labeled activists who proposed them "worms", and traitors working to undermine it. Any change not compatible with the revolution is rejected, as are proposals from Cubans who seek change by nonviolent political means such as open debate. Loosening the reins on Castro now, will undermine the political opposition to his totalitarian regime, and ultimately be antithetical to U.S. interests long-term.

2. Another reason for supporting the Burton Helms bill, and thus sooner bring an end to this demon is because of the Cuban state's known international drug activities. This committee needs to go back and study documents surrounding Noriega's indictment. Castro has developed an international structure of foreign quasi-legitimate corporations that are in joint ventures with the drug cartels of Cali, Medellin, Bogota, and Barranquilla and Panama. These illegitimate organizations are now laundering billions of dollars derived from the sale of drugs on U.S. streets. Colombian and Panamanian entrepreneurs in the Colon Free Zone, through Panamanian registered Corporations, which protect the identity of their owners, have entered into joint ventures with Cuban officials for the purpose of circumventing the U.S. embargo.

These entrepreneurs in the Colon Free Zone, have become the agents of the Cuban government for procuring products from the U.S. They enter the U.S. freely and have organized their logistical and banking connections in Miami, New York, Los Angeles and elsewhere in the U.S. Furthermore, Cuba operates Panamanian Corporations that belong to the Cuban government directly, and extend letters of credit to U.S. Corporations that are trading with Cuba through Panama, Canada, and Venezuela. The Cuban government has developed great capabilities to bribe and corrupt high government officials and private entrepreneurs all over the world through these trading arrangements.

Colombia is presently labeled by DEA a narco democracy. Drug money has purchased most of all centers of production of the Colombian economic sector. There is not a drug dealer in Colombia that does not have a Panamanian corporation. Billions of dollars are invested in Panama by the narco entrepreneurs. The same is beginning to hold true for Cuba. Cuba's Central Bank is the recipient of unlimited cash deposits by drug cartels that are introduced in the international banking system by major European and Panamanian banks.

Again, this should not be news to this committee. I respectfully recommend that the committee hear from U.S. Customs and the DEA on these matters. I am confident that these agencies could provide you with proof and further provide you, with a list of Cuban joint venture companies registered in Panama, and the names of the entrepreneurs responsible for the transshipment of goods to Cuba. As further proof, I also recommend that the Committee call before it Cuban defectors such as General Rafael del Pino, the former head of the Cuban Air Force and Captain Jesus Perez Mendez, the former head of the Cuban Border Patrol. Both of these gentlemen have intimate knowledge of Castro's participation in the international drug business. Indeed, Castro's own daughter made some specific remarks in Spain recently regarding her father's personal involvement in these illicit activities. She should also be called to testify.

As a technical matter, language should be added to your bill which could eliminate the loophole which allows the current embargo to be circumvented by these illicit international trading, and banking, arrangements with Castro in third countries. For example, foreign corporations, individual owners, officers and direct family members of owners and officials of foreign corporations, banking and financial institutions that are trading with Cuba and/or accepting payments from Cuba's Central Bank directly or indirectly should be prohibited from doing business in the U.S. They should also be prohibited from obtaining U.S. visas and/or maintaining bank accounts in the U.S. Funds belonging to any person who deals with the Cuban government should be confiscated by U.S. authorities and dealt with as funds derived from the sale of narcotics.

To prevent other means of circumventing the Cuban embargo, in addition to sugar and molasses from Cuba, your bill should also prohibit the sale of sugar derivatives such as alcohol, as well as fish and seafood and oil produced in Cuba. Cuba is now producing 32,000 barrels of oil a day and increasing its production with the help of British oil companies. The oil is being introduced in the U.S. market by British firms.

3. The third and final major reason for supporting a stronger embargo to remove Castro from power emanates from the May 6, 1995 announcement by Havana Radio that Russia and Cuba have decided to complete the Jaragua nuclear plant in Cienfuegos Province. As you know, construction was halted over two years ago due to economic problems. It seems to me that the last thing American policy makers want to do is somehow alleviate Castro's economic problems and thus allow directly or indirectly the rebirth of this joint venture. The resumption of this project represents a dangerous threat to the security of the U.S. that has to be taken into consideration with respect to any future political and economic plans toward Cuba.

In closing gentlemen, the Broad Front for the Freedom of Cuba believes that until Fidel Castro and his top lieutenants are removed, no steps should be taken that could be interpreted as a decrease in the U.S. government's resolve to see Cuba free. On the contrary, positive stronger steps, such as the enactment of the Burton Helms bill, complemented by a program to assist internal dissent and the establishment of a free labor movement within Cuba, should be taken by our government to more quickly end the suffering of the Cuban people through the establishment of a free and open democratic society.

Thank you.

QUESTIONS FOR THE RECORD SUBMITTED TO PETER TARNOFF, UNDER SECRETARY FOR POLITICAL AFFAIRS, BY REPRESENTATIVE ILEANA ROS-LEHTINEN

Question 1. Please provide the Subcommittee on the Western Hemisphere with a list of all the trips to Cuba by officials of the State Department, the National Security Council, Immigration and Naturalization Service, the Department of Justice, Department of Defense and any federal employee who has travelled to Cuba on official business during the time that President Clinton has been in office and the reasons for their trips, their itineraries and the list of Cuban officials with whom they have met.

Answer. The Executive Branch does not maintain comprehensive records of the requested information. To the extent certain information could be compiled from existing Executive Branch records, the information responsive to your request, for example, the names and affiliations of certain travellers, is classified and could be provided to the appropriate committee only under safeguards to assure protection of such sensitive information.

We appreciate that your concerns probably regard, in particular, travel to Cuba by U.S. policy officials. I can state that there have been no visits to Cuba by any official of the Clinton Administration of the rank of Assistant Secretary or above or by any member of this Administration's NSC staff. Hundreds of working level officials of the Executive Branch have travelled to Cuba on official business since January 20, 1993, with a significant portion personnel assigned permanently or temporarily to duty at the U.S. Interests Section. The vast majority of other Executive Branch visitors travel only for internal business within the Interests Section and do not meet with Cuban officials.

I am aware of only a few cases in which Executive Branch officials visited Cuba for the purpose of conducting substantive discussions with Cuban officials during the period in question. There have been periodic meetings related to migration ever since the conclusion of the Mariel Agreement in 1984. During this Administration the venue has alternated between the United States and Cuba, including a session in Santiago de Cuba with Cuban Affairs Director Dennis Hays as chief of the U.S. delegation. Alexander Aleinikoff, the General Counsel of the Immigration and Naturalization Service and one of INS's most senior officials, often travels to Cuba as a member of the U.S. migration talks' delegation. As part of this continuing process, follow-on talks concerning the implementation of the September 9, 1994 migration accord were held in Havana in January 1995, again with Cuban Affairs Director Dennis Hays as chief of the U.S. side. We have also identified a late 1994 visit by two officials of the Federal Aviation Administration to finalize with Cuban counterparts the operational aspects of Cuban accession to our request to permit wide-bodied civilian aircraft on humanitarian missions in and out of Guantanamo Naval Base to overfly, for air safety reasons, a few square miles of Cuban territory adjacent to the base runway.

There are also numerous cases of working-level Executive Branch officials whose duties involve Cuban affairs making familiarization visits that include meetings with Cuban officials and with representatives of independent groups. The recent visit by my Executive Assistant, David Goldwyn, and Richard Nuccio, then Senior Advisor to the Assistant Secretary of State for Inter-American Affairs, is just such an example. The familiarization visits by staff members of the State Department's Office of Cuban Affairs is another.

Question 2. What did President Clinton know about the secret negotiations?

Answer. President Clinton authorized the high-level negotiations and was kept informed of their development by his principal national security advisers.

Question 3. Did President Clinton authorize the secret talks with Castro?

Answer. The authority for me to conduct the high-level talks that occurred in April came from the President. These talks were not held with Castro, but were with National Assembly President Alarcon.

Question 4. When did the President learn of the secret talks?

Answer. The President authorized the talks before they occurred.

Question 5. Was the President informed of the progress in the talks?

Answer. I reported the results of each of the two sessions I had with Mr. Alarcon to the Deputy National Security Adviser, Sandy Berger, and I understand that this information was given to the President.

Question 6. Was the President involved in the negotiations?

Answer. The President was not directly involved in the negotiations.

Question 7. Are you fully cooperating with members of this Subcommittee in giving truthful statements about the talks with Cuban officials?

Answer. Yes.

Question 8. What is the future of Cuba policy toward Cuba? N.B. Subsequently Ros-Lehtinen's staff (Juan Cortinas) clarified this question: it should read "What is the future of the Clinton Administration's policy toward Cuba?"

Answer. The Clinton Administration's policy toward Cuba will continue to be conducted within the framework of the Cuban Democracy Act, putting pressure on the Cuban government through diplomatic isolation and economic embargo, while at the same time directing humanitarian assistance, information and support to those among the Cuban people who engage in peaceful struggle for human rights and democracy. Our goal is to promote a peaceful transition to a democratic society in Cuba which recognizes fundamental freedoms and respects human rights.

Question 9. Do written or recorded transcripts exist about these secret talks?

Answer. No.

Question 10. Will you provide the Congress with copies of any written or recorded transcripts of the secret talks?

Answer. There are no written or recorded transcripts of the talks.

Question 11. Do any minutes exist about the secret talks?

Answer. No minutes exist about the talks.

Question 12. Will you provide Congress with copies of any minutes that might exist about the secret talks?

Answer. No minutes exist about the talks.

Question 13. When were the following individuals made aware of the existence of these secret talks: President Clinton; Secretary of State Warren Christopher; Attorney General Janet Reno, Assistant Secretary of State for Interamerican Affairs Alexander Watson; Director of Cuban Affairs at the State Department Dennis Hays, and Deputy Director of Cuban Affairs at the State Department Nancy Mason?

Answer. I can only respond as to when I informed these individuals or when I was advised that they were informed. Deputy National Security Adviser Berger advised me that the President had approved my April 17 meeting during the latter part of the week of April 10.

President Clinton approved initiation of the high-level talks. I informed Secretary Christopher immediately of Alarcon's request to meet with me as well as my instructions for the first and second meetings from Deputy National Security Adviser Berger well before the April 17 and April 29 meetings took place.

Attorney General Reno was informed prior to my April 17 session with Alarcon. Assistant Secretary Watson was also informed of my intention to meet with Alarcon before the April 17 meeting. Cuban Affairs Director Hays and Deputy Director Mason were informed on May 1.

Question 14. Whose initiative was it to begin secret negotiations?

Answer. Mr. Alarcon phoned me in the early part of the week of April 10. He reported that he wished to discuss migration issues, particularly their concerns about the potentially explosive situation in Guantanamo.

Question 15. When did the secret negotiation begin?

Answer. On April 17, 1995.

Question 16. Where did the secret negotiation begin?

Answer. In New York City.

Question 17. Who participated in each round of secret negotiations?

Answer. Only myself and Ricardo Alarcon, President of the Cuban National Assembly.

Question 18. How many rounds of secret negotiations took place?

Answer. Two

Question 19. What was discussed at the secret negotiations?

Answer. At my two meeting with Mr. Alarcon, we discussed the elements encompassing safe, orderly and legal migration to the United States, including the intention of the United States to seek a reasonable humanitarian solution to the problem of the Cuban migrants remaining at Guantanamo.

Mitigation in its various aspects was the only issue on our agenda and the only subject we negotiated. As Cuban officials do at virtually every meeting with United States officials, Alarcon complained about the embargo. I told him directly migration topics were the only subjects for discussion at our meeting and made clear to him that our discussion of modification of the migration accord did *not* signal any other change in U.S. policy toward Cuba. During the course of our meeting, I took the opportunity to make specific reference to the need for the Government of Cuba to make political reforms and to release political prisoners.

Question 20. Was the economic embargo against Castro a topic at the negotiations?

Answer. No, the only topic on the agenda for negotiation was issues related to migration. Cuban officials, and Alarcon was no exception, are always probing to see whether we intend to change our policy on the embargo or other aspects. When asked by Alarcon I made it clear that the migration agreements stood alone, that they do not signal any change in our policy toward Cuba.

Question 21. Was there any discussion regarding the lifting of the sanctions imposed by the United States this summer regarding limitation of trips to Cuba and money remittances to the island?

Answer. Mr. Alarcon complained about both the embargo and sanctions when we met, as Cuban officials typically do. I told him that our negotiations were confined to migration issues and that relief from the embargo or the August sanctions were not on the table.

Question 22. Was the Lourdes Intelligence facility or the Jaraqua nuclear plant brought up by either the Castro representatives or United States officials at any conversations?

Answer. No.

Question 23. Which members of the United States House of Representatives or United States Senate were contracted before the secret accord was announced in order to discuss the agreement with them?

Answer. I was advised that Senator Bob Graham and Representative Robert Torricelli had been consulted regarding the possibility of reaching further agreement with the Cuban Government on migration issues to resolve outstanding migration problems and that Senator Graham was informed of the course of the discussions I had with Alarcon. I am informed that several additional members (or in their absence a relevant staff member) were contacted about the May 2 announcement during the morning of May 2. The call list included Senators Mack, Dole, Daschle, Specter, Kerrey, Helms, Pell, Coverdell, Dodd, Leahy, McConnell, Thurmond, Nunn, Stevens, Inoyue, Hatch, Biden, Simpson and Kennedy, as well as Speaker Gingrich and Representatives Gephardt, Armey, Bonior, DeLay, Combest, Dicks, Meek, Young, Gibbons, Canady, Miller, Dave Weldon, Mark Foley, Meek, Shaw, Rangel, Mfume, Gilman, Hamilton, Burton, Menendez, Ros-Lehtinen, Diaz Balart, Goss, Obey, Livingston, Hastings, Deutsch, Johnston, Spence, Dellums, Young, Murtha, McDade, Hyde, Conyers, Lamar Smith, Bryant, McCollum and Schumer.

Question 24. When and where were these Members contacted?

Answer. See my response to question 23.

Question 25. Did you or any other official involved in the secret talks contact Governor Lawton Chiles or any other elected or appointed official from Florida about the secret talks before the accord was announced?

Answer. I was advised by Deputy National Security Adviser Berger that Governor Chiles had been consulted prior to my April 29 meeting with Alarcon and that he was informed on May 2 that an agreement had been reached.

Question 26. Has the Clinton Administration consulted President Carter about the formulation of Cuba policy?

Answer. No.

Question 27. Who sets Cuba policy in the Administration? Is it the President, the Department of State, the National Security Council, the Pentagon, who?

Answer. The President.

Question 28. What guarantees do we have that you are telling the truth now when the Administration officials have previously said that there have been no secret deals or negotiations?

Answer. My testimony was given under oath. I also confirm that the answers to these questions are true and correct to the best of my knowledge and belief.

Question 29. Illegal exits from Cuba are considered crimes under the Cuban penal code. Can you tell us the number of prisoners currently jailed in Cuba for illegally leaving the island?

Answer. We have no reliable figures on this, but there undoubtedly remain persons in Cuban prisons who were convicted of offenses related to unauthorized departures prior to our September 9, 1994, migration accord with Cuba. In that agreement the Cuban government agreed to use "mainly persuasive methods" to prevent unsafe departures, and we have no evidence that migrants departing Cuba without authorization since then have been prosecuted under Cuban law.

Question 30. Why do you think that with the signing of this accord, Cuba will no longer take reprisals against repatriated refugees?

Answer. Not only has the Cuban Government committed itself in the May 2 accord not to take reprisals against repatriated migrants for their illegal departure or for making applications for United States migration programs at the U.S. Interests Section, but its behavior over the past several months suggests that this has been the Cuban Government's general policy since the September 9, 1994 migration accord. In addition, officers of the U.S. Interests Sections in Havana will continue to monitor the situation of migrants returned under the May 2 agreement.

Question 31. Was there a discussion of the Helms-Burton bill in the public or secret talks?

Answer. Mr. Alarcon expressed criticism and concern about the Helms-Burton bill during our conversations. I told him the Administration was still considering its position and would be making its views known directly to the Congress.

Question 32. What did United States officials tell the Cuban officials about the Helms-Burton legislation?

Answer. See previous answer.

Question 33. Was there an agreement that the Clinton Administration would oppose the Helms-Burton bill in exchange for any action or statement by Castro?

Answer. No. The Administration's position on the bill is wholly unrelated to our migration discussions with the Cuban Government.

Question 34. Is there any connection between the administration's opposition to the Helms-Burton bill and the secret negotiations?

Answer. No.

Question 35. The Washington Post reported a few weeks ago that some senior advisors at the White House were urging President Clinton to relax sanctions against Castro. Who was involved in the drafting of the memo or in suggesting ideas for this memo?

Answer. The question should be directed to the NSC. For some time the Administration has been focussing on ways to strengthen the implementation of the Cuban Democracy Act, both the embargo and direct support for the Cuban people.

Question 36. Was Rick Nuccio in Cuba before the secret negotiations took place?

Answer. Mr. Nuccio visited Cuba during the last week of April 1995 on an official familiarization trip, arriving there after my April 17 meeting with Ricardo Alarcon, and was in Cuba when I met with Alarcon in Toronto. Mr. Nuccio had previously travelled to Cuba in 1988 as a private citizen, not as a U.S. Government official.

Question 37. Did one of your assistants, Mr. David Goldwyn, accompany Mr. Nuccio to Cuba?

Answer. Yes.

Question 38. Were any promises given by the United States concerning relaxation of sanctions against Castro?

Answer. No.

Question 39. Will the Clinton Administration consider a naval blockade of Cuba if Cuba violates this accord?

Answer. We are implementing our part of that agreement and expect the GOC to do the same. Any violation of the agreement will be taken extremely seriously and a repeated pattern of violations would lead us to reassess the agreement.

Question 40. Do you believe that the Cuban people flee the island of Cuba because of economic reasons?

Answer. I believe that Cubans flee the island for a variety of reasons. Many of the migrants interdicted by the U.S. Coast Guard have told U.S. officials that their primary motivation for fleeing Cuba was economic.

Question 41. Is there any validity to the rumors that Rick Nuccio will be assuming the role of front man for Morton Halperin in regards to policy toward Cuba? If so, what will be Mr. Halperin's responsibilities toward Cuba change?

Answer. On May 25, 1995 President Clinton appointed Richard Nuccio as Special Advisor to the President and to the Secretary of State for Cuba. Mr. Nuccio will be responsible for coordinating overall Cuba policy as well as outreach to the public on this important issue. The coordinator will report to the President through the Secretary of State, and will work closely with the staffs of both the National Security Council and White House Office of Public Liaison. In order to facilitate close coordination with those offices, Mr. Nuccio will maintain an office in the White House complex.

Members of the National Security Council staff and of the Office of Public Liaison will continue their respective responsibilities with the National Security Council and Office of Public Liaison. Overall policy and outreach on Cuba will be coordinated by Mr. Nuccio.

Question 42. For how long was Mr. Nuccio in Cuba?

Answer. Eight days.

Question 43. What was the purpose of Mr. Nuccio's visit to Cuba?

Answer. David Goldwyn, my executive assistant, and Richard Nuccio, senior adviser to Assistant Secretary Watson, spent the last week of April in Cuba to familiarize themselves with the situation there, to consult with the U.S. Interests Section in Havana and to explore means of expanding our program of outreach to the Cuban people. As part of their orientation they met with a number of human rights activists, religious leaders, third-country diplomats and low-ranking Cuban officials. They did not conduct negotiations with the Cuban government.

Question 44. With whom did Mr. Nuccio meet in Cuba?

Answer. Personnel of the U.S. Interests Section, third-country diplomats, human rights activists, religious leaders and low-ranking officials of the Cuban Government.

Question 45. Did Mr. Goldwyn know about your secret negotiations with Castro representatives?

Answer. Yes.

Question 46. Did Mr. Goldwyn's trip to Cuba in any manner relate to your secret negotiation with Castro representatives?

Answer. No.

Question 47. Who were the Castro representatives present at the secret negotiations?

Answer. National Assembly President Ricardo Alarcon was the sole Cuban representative at our meetings.

Question 48. With whom did Mr. Goldwyn meet in Cuba and for what reasons?

Answer. Personnel of the U.S. Interests Section, third-country diplomats, human rights activists, religious leaders, and low-ranking officials of the Cuban Government. This was so that he could gain on-the-ground familiarity with Cuba and, in particular, the needs and concerns of the human rights community.

Question 49. Did Mr. Nuccio have any knowledge of your secret talks with Ricardo Alarcon?

Answer. No.

Question 50. Did the Cuban representatives at the negotiations bring up the embargo to the United States delegation?

Answer. Yes. Cuban officials, and Alarcon was no exception, are always probing to see whether we intend to change our policy on the embargo and in other aspects. When asked by Alarcon I made it clear that the migration agreements stood alone, that they do not signal any change in our policy toward Cuba.

Question 51. What was the role of Morton Halperin in these negotiations?

Answer. The NSC has not been represented at any of the migration talks we have held with the Cubans.

Question 52. Did Morton Halperin initiate the idea of holding secret talks? Who did initiate this idea?

Answer. No. Alarcon requested a meeting with me to discuss migration concerns. I informed Secretary Christopher and Deputy National Security Advisor Berger. Berger subsequently advised me that the President had authorized me to agree to such a meeting.

Question 53. What is Mr. Nuccio's new role in Cuba policy?

Answer. On May 25, 1995 President Clinton appointed Richard Nuccio as Special Advisor to the President and to the Secretary of State for Cuba. Mr. Nuccio will be responsible for coordinating overall Cuba policy as well as outreach to the public on this important issue. The coordinator will report to the President through the Secretary of State, and will work closely with the staffs of both the National Security

Council and White House Office of Public Liaison. In order to facilitate close coordination with those offices, Mr. Nuccio will maintain an office in the White House complex.

Members of the National Security Council staff and of the Office of Public Liaison will continue their respective responsibilities with the National Security Council and Office of Public Liaison. Overall policy and outreach on Cuba will be coordinated by Mr. Nuccio.

Question 54. What is Mr. Halperin's role in Cuba policy?

Answer. As Senior Director for Democracy, Mr. Halperin is involved in helping to develop and implement policy towards a number of countries, including Cuba, and will continue in that capacity.

Question 55. Why were the negotiations conducted in secret?

Answer. These discussions were unpublicized for one reason only—to avoid the very real possibility that rumors about these talks might trigger a massive exodus of new migrants by sea and by land onto the U.S. Naval Base at Guantanamo, seeking to anticipate any new U.S.-Cuban migration agreement. Such an outflow would have presented serious risks of loss of life for Cubans as well as for U.S. military personnel.

Question 56. Who participated in the talks?

Answer. Only myself and Cuban National Assembly President Ricardo Alarcon.

Question 57. Where did the talks take place?

Answer. In New York City and Toronto, Canada.

Question 58. In what location were the talks held?

Answer. The April 17 meeting took place in a public room at a New York hotel. The April 29 meeting took place in a hotel suite in Toronto, Canada.

Question 59. Did Secretary of State Warren Christopher have any knowledge of the talks?

Answer. Yes.

Question 60. Was Secretary of State Christopher actively involved in the negotiations?

Answer. He was aware of them but did not participate directly.

Question 61. Did Secretary of State Christopher authorize the secret talks?

Answer. The negotiations were authorized by President Clinton and Secretary Christopher was aware of this.

Question 62. Did the United States make any statement regarding these facilities? (Ros-Lehtinen's staffer Juan Cortinas has clarified that "facilities" refers to Lourdes and Juragua and "statement" to discussions during the Tarnoff-Alarcon talks.)

Answer. No.

Question 63. Did the Castro representatives inquire as to the United States' position on the existence of these facilities?

Answer. No.

Question 64. Is the Clinton Administration planning to lift or relax these sanctions? (Per Ros-Lehtinen staffer Juan Cortinas explained that this question refers to the August 20 sanctions.)

Answer. As senior Administration officials have emphasized repeatedly, the Cuban Democracy Act of 1992 remains the cornerstone of U.S. Cuba policy. We are continually reviewing ways of improving the effectiveness of the economic embargo and our program of outreach to the Cuban people. We have no intention to ease the embargo against the GOC absent meaningful, far-reaching change on the island. We believe that the embargo is the best leverage we have to promote such change.

Question 65. When will these relaxations take place?

Answer. We have no timetable for relaxing the August 20 sanctions.

Question 66. What did Assistant Secretary of State for Inter-American Affairs, Alexander Watson, know about the secret talks?

Answer. Assistant Secretary Watson was informed of my intention to meet with Alarcon shortly before the April 17 meeting.

Question 67. Was Alexander Watson involved in organizing the secret talks?

Answer. No.

Question 68. Was Alexander Watson informed of the secret talks?

Answer. Assistant Secretary Watson was informed of my intention to meet with Alarcon shortly before the April 17 meeting.

Question 69. Did Alexander Watson participate in any manner in the secret talks?

Answer. No, I was the only U.S. participant.

Question 70. What did Dennis Hays know about the secret talks?

Answer. Mr. Hays was informed of the meetings on May 1.

Question 71. Was Dennis Hays involved in organizing the secret talks?

Answer. No.

Question 72. Did Dennis Hays participate in any manner in the secret talks?

Answer. No.

Question 73. Is the Clinton Administration considering allowing media outlets to establish bureaus in Cuba?

Answer. The Administration is still reviewing the possibility of allowing reciprocal establishment of news bureaus in the U.S. and Cuba. In general, however, we believe that allowing U.S. news organizations to establish permanent offices in Cuba would be consistent with the Cuban Democracy Act's goal of reaching out to the Cuban people, would be an important part of our efforts to promote a peaceful transition to democracy in Cuba.

Question 74. Is the Clinton Administration considering allowing Cuba to establish media bureaus in the United States?

Answer. As stated in the answer to the previous question, the Administration is still reviewing the possibility of allowing reciprocal establishment of news bureaus in the U.S. and Cuba.

It should be noted that the Cuban press agency Prensa Latina already has a news bureau in New York City accredited to the United Nations. The USG restricts its activity only to reporting on the United Nations and its journalists to the New York City area.

Question 75. Was the issue of press bureaus discussed in the secret negotiations?

Answer. No.

Question 76. Was it the Cuban regime's initiative to begin the secret negotiations?

Answer. Mr. Alarcon phoned me in the early part of the week of April 10 and proposed a meeting in New York on the margins of the migration talks. He reported that he wished to discuss migration issues, particularly their concerns about the potentially explosive situation in Guantanamo.

Question 77. Who agreed to set up the secret talks?

Answer. The President of the Cuban National Assembly, Ricardo Alarcon, requested a meeting with me to discuss migration issues. I informed Secretary Christopher and Deputy National Security Adviser Berger. Mr. Berger subsequently advised me that the President had authorized me to agree to such a meeting.

Question 78. Did Governor Lawton Chiles or any other Florida public official recommend the secret meetings with the Castro regime?

Answer. The Administration has often consulted with Governor Chiles and with Senator Bob Graham regarding outstanding migration problems with Cuba. Both were consulted about the talks after my April 17 meeting. Neither they nor any other Florida public official, to my knowledge, recommended the meetings.

Question 79. The Administration has suggested that it would relax sanctions against Cuba if Castro takes certain so called "calibrated steps". How are these calibrated steps defined?

Answer. The Administration agrees with the excellent framework that the Cuban Democracy Act provides for U.S. policy towards Cuba. As Congress recommended in the Cuban Democracy Act, *the Administration* would be ready to take carefully calibrated steps in response to significant, irreversible actions by the Cuban Government toward democracy, free-market economic reform and full observance of human rights. We have declined to identify in advance the specific steps we might take.

Question 80. What does Castro need to do—specifically—for the Clinton Administration to lift sanctions against him?

Answer. The steps the Cuban Government has to take to end the U.S. embargo against it are spelled out in the Cuban Democracy Act. They include: holding free and fair elections conducted under internationally recognized observers; permitting opposition parties to organize and campaign for such elections; showing respect for basic civil liberties and human rights of the Cuban people; moving toward establishing a free market economic system; and committing itself to constitutional change that would ensure regular free and fair elections.

Question 81. Who judges these steps as "calibrated"?

Answer. The Administration would calibrate any steps it might take to correspond to the significance and permanence of any Cuban action advancing democracy; a free-market economy and/or full observance of human rights.

Question 82. Does the Administration view the ouster of Castro as the only way to achieve democracy in Cuba?

Answer. Our policy is focused on achieving fundamental changes in Cuba and a peaceful transition to democratic government. It is not aimed at any particular individual, but so far Castro has demonstrated himself to be incapable of meaningful change.

Question 83. Has former President Jimmy Carter travelled to Cuba in the years that Bill Clinton has been President?

Answer. No.

Question 84. Has any United States official discussed with President Carter any trip to Cuba that he has taken or might take in the future to Cuba?

Answer. To my knowledge President Carter has not raised a desire to travel to Cuba with any U.S. official.

Question 85. Has President Carter been actively involved in the formulation of Cuba policy?

Answer. No. Former President Carter has stated publicly that Fidel Castro called him during last summer's rafter exodus and that he had relayed the Castro conversation to President Clinton. In so informing the media in late September, Mr. Carter, who had just completed a mission in Haiti, also added that he did not plan to get involved in the Cuban migrant situation.

Question 86. Did President Carter know about the secret negotiations with Cuba?

Answer. No. Former President Carter was not apprised of these meetings.

Question 87. Was President Carter involved in any way in the secret negotiation with Cuba?

Answer. No.

Question 88. Has President Carter privately urged the Administration to seek dialogue with the Castro regime?

Answer. Former President Carter has publicly urged a re-thinking of U.S. policy toward Cuba.

Question 89. Did the United States agree to allow Russia to keep the Lourdes intelligence facility in order to supposedly monitor United States compliance with nuclear arms treaties?

Answer. The United States has not agreed to allow Russia to keep the Lourdes intelligence facility in order to monitor United States compliance with nuclear arms treaties.

Russia, like the U.S., has a number of signals intelligence facilities. One function of these facilities is to collect information used to verify arms control agreements.

No ratified or pending arms control treaty confers a "right" to spy on the U.S. from Cuba or anywhere else. Arms control agreements give both sides the right to monitor treaty compliance with their national technical means (NTM) of verification. These treaties do not address the use of such means to collect other intelligence.

The United States has steadfastly resisted any attempts to define NTM or to circumscribe the location and use of such systems. This policy has been dictated by the enormous importance technical collection systems have both for verification of arms control treaties and for other national security purposes.

Question 90. Has the United States entered into negotiations with Russia to give Russia or Cuba assistance in building the nuclear plant in Juragua?

Answer. No, the United States has not entered into negotiations with Russia to give Russia or Cuba assistance in building the nuclear plant in Juragua.

Question 91. Are United States funds going to Russia which will, in turn, help Russia finish the nuclear plant project in Cuba?

Answer. United States funds are not helping Russia to finish the nuclear plant project in Cuba.

U.S. assistance is designed to promote reform and stability in Russia.

Our assistance is designed to help Russian reformers build a market-based democracy that is finally at peace with itself and its neighbors, a nation that will by its very nature have an interest in seeing democracy flourish outside its own borders—including in Cuba.

U.S. aid to Russia is mostly in the form of technical assistance, that is we pay for American experts to provide U.S. know-how to the Russians. Our assistance does not include cash transfers to the Russian government.

Moreover, it is important to recognize that most of our assistance does not go to the Russian government, but is distributed through private organizations in areas outside Moscow.

Question 92. Was the nuclear plant project discussed in any US-Cuba talks?

Answer. The nuclear power plant project was not discussed in the April talks nor has it been discussed during the talks leading to the September 9, 1994, migration accord or in the follow-on talks on implementation of that accord.

There were discussions related to nuclear power plant safety in the wake of the Chernobyl disaster during the period 1988-90, with information regarding United States safety standards provided to the Cuban Government, a visit to a private U.S. nuclear power generating facility by Cuban experts, and a visit to the Juragua facility under construction by an official of the Nuclear Regulatory Commission (NRC) in 1989. During the same period the State Department and the NRC consulted with the Florida congressional delegation, which was keenly interested in Juragua. As you are aware, construction on the power plant was halted in 1992 for lack of funds.

We note that there were Congressional hearings on the Juragua facility on July 25, 1991, by the Subcommittee on Nuclear Regulation of the Senate Environment and Public Works Committee at which there was extensive Executive Branch testimony on the Juragua facility and on relevant U.S.-Cuban discussions.

Question 93. Did the United States demand that there be international human rights monitors in Cuba to ensure that repatriated rafters would not be mistreated?

Answer. No. But we requested, and have received unprecedented access for our own officers to travel throughout Cuba to personally monitor the treatment of returned Cubans.

Question 94. When has the United States previously returned refugees back to a communist country?

Answer. The U.S. is a party to an international agreement concerning Vietnamese and Lao migrants in Southeast Asia which allows for the repatriation of non-refugees to Vietnam and Laos.

Neither U.S. nor policy precludes the repatriation of citizens of communist countries who are ineligible to remain in this country.

The U.S. regularly returns deportable aliens to communist countries such as China and in the past has returned migrants to Poland and Romania.

Question 95. The Administration has said repeatedly that there have been mid-level migration talks with Cuba. Would you still characterize all these talks as such?

Answer. The negotiations leading to the September 9, 1994 migration accord were headed on the U.S. side by Michael Skol, Principal Deputy Assistant Secretary of State for Inter-American Affairs. The three bilateral sessions reviewing implementation of the September 9 accord were headed on the U.S. side by the State Department's Coordinator for Cuban Affairs Dennis Hays. We characterized all these meetings as being held at the "expert level."

Question 96. The policy tried during the Haiti crisis of simply returning refugees was a failure and had to be abandoned in favor of a naval blockade and threats of a military invasion. Why do you think that a failed Haiti policy of returning refugees will work for Cuba?

Answer. President Clinton's policy toward Haitian refugees has been a success. The President said that he would end the practice of directly returning Haitians without determining whether they qualified for refugee status, and that is what he has done. In the same spirit, under the policy announced May 2, Cuban migrants rescued at sea while trying to enter the United States illegally will be given the opportunity to state whether and why they would fear being returned to Cuba and accordingly screened. Those determined by INS to be genuine refugees will not be returned to Cuba. Moreover, the U.S. Interests Section in Havana is closely monitoring the treatment of those migrants returned since May 2 and will continue to do so.

The initial results of the policy announced on May 2 are positive. The number of Cubans seeking to reach the United States illegally by sea has been reduced significantly. U.S. Interests Section personnel have been able to monitor carefully and individually the situation of those who have been returned since May 2. Returnees are met upon their arrival in Cuba by a U.S. consular officer who explains the opportunities that may be available to them to come to the United States through the generous program of legal migration offered at the Interest Section. This program is available only to Cubans in Cuba.

Question 97. What steps does the Clinton Administration plan to take if Castro, as has already been reported, takes reprisals against returned refugees?

Answer. No one who is identified as a refugee when interviewed will be returned to Cuba. With respect to returned migrants, we have officers of the United States Interests Section meet them at the dock to interview them and interview them again after they have been processed for re-entry into Cuba. Our officers monitor the returnees in their homes and stay in touch by telephone. In cases where we hear a claim of reprisal, we pursue the facts intensively. In the cases of the first instance in which there was a substantial claim of reprisal, the instance I mentioned during my oral testimony in which a returnee lost his job, we immediately brought the matter to high-level Cuban Government attention in Havana and sought an explanation and a reversal of the action. We continue to press for a positive resolution of this problem. A pattern of reprisal would call into question the entire agreement.

Question 98. Do you consider Fidel Castro a tyrant?

Answer. Yes.

Question 99. Do you consider Cuba to be a state that promotes terrorism?

Answer. Yes.

Question 101. Do you believe that the Cuban regime protects the human rights of the Cuban people?

Answer. No.

Question 102. Do you consider Castro the legitimate leader of Cuba?

Answer. Fidel Castro does not have the legitimacy that would be conveyed by being chosen leader as the result of free and open democratic elections.

Question 103. Do you believe that the Cuban people flee the island of Cuba because of political reasons?

Answer. I believe that Cubans flee the island for a variety of reasons and that some do so for political reasons. Cuban migrants who claim to be fleeing for political reasons are being screened by INS.

Question 104. Have you received any assurance from the Castro regime that laws regarding illegal exits from Cuba will be changed?

Answer. No.

Question 105. How many United States personnel or international human rights observers will work on checking that there will be no reprisals taken against repatriated Cubans?

Answer. We are determined to provide sufficient U.S. personnel, both regular and temporary staff, to monitor the Cuban Government's compliance with its commitment in the May 2 joint statement. We are in constant touch with the U.S. Interests Section in Havana to make sure that they have the resources needed. As an initial step, one team of two Washington-based officers has travelled to Havana to assist in monitoring compliance. Additional teams will be sent to Cuba as the situation warrants.

Question 106. Administration officials have reportedly stated that two US Interest Section officials will be in charge of checking on the condition of repatriated Cubans. Is this true?

Answer. So far three teams of two U.S. Interests Section and temporary duty officials have been used to visit the two groups of migrants, totaling 24 persons, returned under the May 2 accord in their home areas. Several of these migrants have already also visited the U.S. Interests Section since their return and held discussions there with U.S. officials. On May 22 we sent two additional State Department-based officers on temporary assignment to assist the Interests Section in dealing with its monitoring mission.

Question 107. Does the State Department intend to increase its number of officers at the U.S. Interests Section in Cuba in charge of assuring that repatriated Cubans are not punished by Castro?

Answer. We are prepared to increase the number of U.S. personnel monitoring the treatment of the returned migrants beyond the present level, as necessary. One two-officer TDY team has already been to Havana to assist in the monitoring. We are ready to dispatch similar teams when warranted by the number of returnees. No migrants have been returned to Cuba since May 12.

Question 108. Has the State Department received assurances from the Castro regime that U.S. officers in charge of checking on repatriated Cubans be able to freely move around the island?

Answer. Yes.

Question 109. Do you know any reprisals being taken by the Castro regime against my repatriated Cubans, from the US or any other country?

Answer. Two of the 24 migrants the U.S. has returned to Cuba since May 2 have made credible claims that they have been harassed since returning home. One migrant appears to have been beaten by local police. He reported to U.S. Interests Section officers that a Cuban state security official intervened to stop the assault and later advised police that he was not to be bothered further.

The Principal Officer of the U.S. Interests Section made our concerns known about this case at the highest levels of the Cuban government. The Cuban government has acknowledged that a mistake was made and has assured us that this incident will not be repeated.

A second migrant has been fired from his position as a university professor. Again, we have made our concerns known at the highest level of the Cuban government. The Cuban government told us that the man will be offered a different, but similar position, commensurate with his education, and with the same salary and benefits.

The U.S. Government takes accusations of harassment seriously. We intend to hold the Cuban government to its pledge not to harass or otherwise prejudice migrants returned to Cuba.

Question 110. How will the United States define "reprisals?"

Answer. Though this list is not exhaustive, we would consider any treatment of returned Cubans that resulted from their unauthorized departure from Cuba and

that threatened their ability to maintain their lives (e.g., denial of their lodging or their livelihood, physical threats, substantial denial of food, clothing, or medical care) and any abridgement of their freedom beyond that suffered by cubans generally to be "reprisals."

Question 111. Will the loss of a job be defined as a reprisal?

Answer. Yes, if it is in response to the attempt to leave Cuba without authorization.

Question 112. Will the inability of obtaining a job be defined as a reprisal?

Answer. Yes, if it results from an attempt to leave Cuba without authorization, it would be considered a reprisal.

Question 113. Will demonstrations against repatriated refugees be defined as a reprisal?

Answer. Yes, if it is officially sanctioned and is in response to the attempt to leave Cuba without authorization.

Question 114. Will the physical harm against repatriated refugees be defined as a reprisal?

Answer. Yes, if it is officially sanctioned and is in response to the attempt to leave Cuba without authorization.

Question 115. Will threats against relatives of repatriated refugees be defined as a reprisal?

Answer. Yes, if it is officially sanctioned and is in response to the attempt to leave Cuba without authorization.

Question 116. Do you expect repatriated Cubans to come to the United States Interest Section to report problems of harassment, persecution, etc?

Answer. We hope that repatriated Cubans will come the U.S. Interests Section or telephone there to report any such problems. We also intend for U.S. officials to continue to maintain contact with them, including spot visits in their home areas. If returned migrants are harassed, they might be eligible for the refugee program at the U.S. Interests Section in Havana.

Question 117. Did you speak about the plight of Cuban political prisoners with Cuban officials during the secret negotiations?

Answer. While not the subject of our discussions, I did raise our continuing deep concerns about the continued detention of political prisoners and the general failure of Cuba to respect international human rights norms.

Question 118. Did the Deputy Director of Cuban Affairs at the State Department, Nancy Mason, know about the secret talks with Castro?

Answer. No.

Question 119. Why was Nancy Mason not informed about the secret talks with Castro?

Answer. The Deputy National Security Adviser and I decided to put together a list of senior officials who were authorized to work on this issue. The circle was very tightly held, since we were concerned that if these matters became known, this would provoke a massive new outflow of migrants my sea and possibly also by land into Guantanamo.

Question 120. Is Cuba policy formulated now at the National Security Council and not at the State Department?

Answer. U.S. policy is formulated by President Clinton, with Secretary of State Christopher as his principal foreign policy adviser. Cuba policy, especially those aspects that touch upon law enforcement, migration and its domestic aspect, and the use of military personnel and the Guantanamo Bay Naval Base, necessarily involves several federal agencies, including the Departments of Defense and Justice, the Coast Guard and the Immigration and Naturalization Service.

Question 121. Did the United States discuss in the secret negotiations granting more visas to Cuban youth leaders, academics, athletes or any one else part of an increased cultural exchange program?

Answer. No.

Question 122. Does the Clinton Administration know of any visits to Cuba by representatives of American corporations?

Answer. Yes. Some such visits have been reported in the U.S. and international media.

Question 123. Does the Clinton Administration know of any meetings between representatives of American corporations and representatives of the Castro regime?

Answer. Yes. Some such meetings have been reported in the U.S. and international media.

REPRESENTATIVE ROBERT MENENDEZ, HEARING ON THE CLINTON ADMINISTRATION'S
REVERSAL OF U.S. IMMIGRATION POLICY TOWARD CUBA. WESTERN HEMISPHERE
AFFAIRS SUBCOMMITTEE

Question 1. You stated that this agreement is a "direct result of the September 9 accord between us, and it's a natural extension from that, and limited to migration matters." If that is the case, why then did you feel compelled to go outside of the scope of the ongoing accords on migration matters and make a deal on migration in secret? How does one reconcile this contradiction?

Answer. As I noted in my statement to the Committee, despite successful implementation of the September 1994 accords, there remained a potential threat to our borders posed by a new outflow of Cuban migrants which might have been stimulated by further economic dislocation and ongoing political repression in Cuba. Such an outflow would cause additional loss of life at sea, as well. There was also still the need to find a responsible humanitarian solution to the problem of the Cuban migrants at our safehaven in Guantanamo. For these reasons, the President directed that we build on the September accord.

My meetings with the Cuban representative were held without publicity for the sole reason that rumors about the talks might have triggered a massive exodus of new migrants by sea and over land into the Guantanamo Naval Base in anticipation of any new U.S.-Cuban migration agreement. This would have presented serious risks of loss of life at sea for Cubans as well as for U.S. military and Coast Guard personnel at sea and at Guantanamo.

Question 2. Will you state for the record whether the Administration is willing to rule out any further secret meetings on any topic with representatives of the Castro dictatorship?

Answer. Since unpublicized meetings are often necessary in international relations, the Administration cannot rule out unpublicized meetings for all time with representatives of any country.

Question 3. Have you or has anyone else either at the State Department, the NSC or any other government agency that you are aware of ever delineated to Castro dictatorship officials specific steps that the Castro dictatorship could take that would warrant carefully calibrated responses on our part?

Answer. We have noted both in public and to representatives of the Cuban Government that the steps the Cuban Government must take in order for the U.S. embargo to be ended are spelled out in the Cuban Democracy Act. They include: holding free and fair elections conducted under internationally recognized observers; permitting opposition parties to organize and campaign for such elections; showing respect for basic civil liberties and human rights of the Cuban people; moving toward establishing a free market economic system; and committing itself to constitutional change that would ensure free and fair elections.

We have not articulated to the Cuban Government any detailed list of actions advancing democracy, a free-market economy and full observance of human rights to which the United States would respond with carefully calibrated steps.

Question 4. Since you became the Under Secretary of State, how many times have you met with Castro dictatorship officials? What have been the subjects discussed at your meetings?

Answer. I met two times in April 1995 with National Assembly President Alarcon. Migration in its various aspects was the only issue on our agenda and the only subject we negotiated. As Cuban officials do at virtually every meeting with United States officials, Alarcon complained about the embargo. I told him directly migration topics were the only subjects for discussion at our meeting and made clear to him that our discussion of modification of the migration accord did not signal any other change in U.S. policy toward Cuba. During the course of our meeting, I took the opportunity to make specific reference to the need for the Government of Cuba to release political prisoners.

I also met with Alarcon briefly in New York in late January at his request to discuss the implementation of the September 9 migration accord.

Question 5. You have stated that the Castro dictatorship had not been provided any assurances . . . "none whatsoever" were your words at a press conference—that the August 20 sanctions would be reversed. Is that still the case? Secondly, as distinct from providing "assurances" to the dictatorship, have you or anyone else in the Administration discussed with any representatives of the dictatorship the possibility that they might be reconsidered at a future date?

Answer. To the best of my knowledge, neither I nor anyone else in the Administration has provided any assurances to the Cuban Government regarding reversal of the August 20 sanctions nor have we discussed with any Cuban Government representatives the possibility of a reconsideration at a future date. Indeed, when the

Cuban side tried to raise the August 20 sanctions during negotiation of the September 9 and May 2 migration accords, we replied that the August 20 sanctions were not related to migration and thus not a subject for discussion.

Question 6. In justifying your secret accords, you have stated the following: "The rationale that we are using is for the purposes of legal migration to the United States. We believe that we have not only a commitment by the Government of Cuba, but experience with that government over the last nine months that they will not interfere with the ability of these people to either return to their homes, resume their lives, or come to the Interests Section and begin the process of legal migration to the United States."

Yet, last week we heard reports that some of the 13 who were repatriated have in fact been harassed by the authorities of the dictatorship. Do you continue to trust the Cuban Government to keep the commitment that they made to you?

Answer. Officers from the U.S. Interests section in Havana have visited all 24 migrants returned to Cuba pursuant to the policy announced May 2. Two of the returned migrants have made credible claims that they have been harassed since being returned to Cuba. One migrant appears to have been beaten by local police before officials of the State Security Service intervened to stop it and warn the local police against any further abuse of the migrant.

USINT's Principal Officer made our concerns known about this case at the highest levels of the Cuban Government. The GOC has acknowledged that a mistake was made and has assured us that this incident will not be repeated.

A second migrant has been fired from his position as a university professor. Again, we have made our concerns known at the highest level of the Cuban Government. The GOC has told us that the man will be offered a different, but similar position, commensurate with his education, and with the same salary and benefits. He continues to receive his salary.

The U.S. Government takes accusations of harassment seriously. We intend to hold the Cuban Government to its pledge not to harass or otherwise prejudice migrants returned to Cuba.

Question 7. Will you state for the record whether the Administration is willing to rule out any further secret meetings on any topic with any representatives of the Castro dictatorship?

Answer. Duplicate question. Please see question number two.

Question 8. Have you or any other Administration official agreed tentatively or otherwise to a second or follow-up meeting with Mr. Alarcon or any other representative of the dictatorship?

Answer. The Principal Officer of the U.S. Interests Section, Joseph Sullivan, has already met on several occasions since May 2 with Mr. Alarcon regarding implementation of the May 2 accord. Follow-on meetings with the Cuban Government on migration issues began after the 1984 Mariel Agreement and have continued periodically over the years. Since the September 9, 1994, accord, there have been three formal follow-on sessions regarding implementation of the September accord. I would expect that such implementation review sessions would continue.

Question 9. In your discussions with Mr. Alarcon, was anything besides immigration brought up? What were those topics?

Answer. At my two meetings with Mr. Alarcon, we discussed the elements encompassing safe, orderly and legal migration to the United States, including the intention of the United States to seek a reasonable humanitarian solution to the problem of the Cuban migrants remaining at Guantanamo.

Migration in its various aspects was the only issue on our agenda and the only subject we negotiated. As Cuban officials do at virtually every meeting with United States officials, Alarcon complained about the embargo. I told him directly migration topics were the only subjects for discussion at our meeting and made clear to him that our discussion of modification of the migration accord did *not* signal any other change in U.S. policy toward Cuba. During the course of our meeting, I took the opportunity to make specific reference to the need for the Government of Cuba to make political reforms and to release political prisoners.

Question 10. Who besides yourself at the State Department knew that there was a secret meeting scheduled before it occurred?

Answer. Secretary Christopher, Deputy Secretary Talbott, Chief of Staff Donilon, Assistant Secretary of State for Inter-American Affairs Watson, and my Executive Assistant, David Goldwyn.

Question 11. You had an extraordinarily talented and able Desk Officer for Cuban Affairs, Dennis Hays, and a very able Deputy, Nancy Mason. Did you meet with them regarding why they asked to be reassigned after news of the May 2 accord? Did Mr. Hays ever ask you why you had gone outside of the scope of the September

9 accords? Does he agree with you that your secret meeting was a "natural extension" of the September 9, accords?

Answer. I met with Dennis Hays after the conclusion of the May 2 accord but before it was announced. He explained his concerns with the accord and why he disagreed with it. I told him I respected his views and his right to disagree. In light of our conversation, I was not surprised by his request for reassignment. Mr. Hays did not raise his opinion regarding the character of my meeting with Mr. Alarcon and I would not speak for him.

Question 12. Who delivered the U.S. official presentation at the U.S. Human Rights Commission at Geneva regarding human rights violations in Cuba? Was the sinking by the Castro Government of the tugboat 13th of March ever mentioned in that text? Was it ever part of any draft of the text, preliminary or final?

Answer. Special Assistant to the President for Democracy Morton Halperin introduced the resolution "The Situation of Human Rights in Cuba." The remarks prepared for delivery on that occasion contained a brief reference to the 13th of March tragedy, but the abbreviated oral version he delivered did not.

Question 13. Was anyone at the State Department or the NSC ever asked by officials of the dictatorship to omit any language or refrain from mentioning any incident relating to any human rights violation?

Answer. No.

Question 14. Why for the first time in U.S. history has the U.S. come to a migration agreement out of fear of a mass exodus instigated by a dictator?

Answer. As noted in my statement to the committee, our migration accords with the Cubans, including the recent joint statement on May 2, were made in order to help the U.S. better control its borders, to deal with the humanitarian problem posed by prolonged migrant residence on Guantanamo, and to promote legal, orderly migration from Cuba that ensures adequate sponsorship of new arrivals and the life-threatening rafter phenomenon. The United States concluded with Cuba the 1984 Mariel Agreement on migration in part, at least, from a concern about a repeat of the 1980 Mariel mass exodus that Castro had instigated.

U.S. DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, DC, September 28, 1995.

Hon. DAN BURTON,
*Chairman, Committee on International Relations,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: This is in response to a request by Representative Peter Deutsch during a recent hearing before your Subcommittee concerning the Cuban interdiction program. The request concerned the screening procedures used in that program and the transcripts of any conversations the Immigration and Naturalization Service (INS) has had with Cubans under that program.

We reaffirm that the U.S. Government seeks to ensure the protection of refugees and to prevent their involuntary repatriation to Cuba. We would like to take this opportunity to explain in some detail the procedures and criteria currently used by the U.S. Government for the shipboard screening of Cuban migrants.

(1) Following interdiction, a U.S. INS official reads a prepared statement in Spanish to all interdicted Cubans informing them that the only way to migrate to the United States from Cuba is through established in-country migration programs but that an INS official is available to speak further with them in confidence if they have concerns about returning to Cuba.

(2) The U.S. official to whom interested Cubans may speak is an INS Asylum Pre-Screening Officer (APSO). Should an APSO not be present aboard a vessel interdicting Cubans, one is transported to the vessel as soon as possible. Each Cuban has an opportunity in a confidential setting to express to the APSO any concerns he or she might have about returning to Cuba. Each Cuban is also assured that the United States will communicate no information to the Cuban authorities relating to a fear of persecution in Cuba.

Trained and experienced trial attorneys, Asylum Officers and other officers who have experience in adjudicating applications for refugee status have been selected to serve as APSOs in this program. The INS held a 2-day training for these officers on May 9-10, 1995. In addition to general information about refugee status determination, that training provided the APSOs with country conditions information on Cuba from both governmental and nongovernmental sources.

(3) A fluent English/Spanish speaker is present on each Coast Guard vessel interdicting Cubans. In some cases, this may be the APSO. In cases where the APSO

is not fluent in Spanish, the APSO is accompanied by a fluent English/Spanish interpreter.

(4) In cases where a Cuban expresses a fear of return to Cuba, the APSO is instructed to elicit all information relating to such person's fear of return and to record such information in writing. No transcript or other verbatim record of the statement is prepared.

(5) The APSO then determines whether such Cuban has a "credible fear of persecution" on account of race, religion, nationality, membership in a particular social group or political opinion in Cuba. A person is understood to establish a "credible fear of persecution" if:

(a) there is a substantial likelihood that the statements made by the alien in support of the alien's claim are true; and

(b) in light of such statements and country conditions, the alien has a reasonable possibility of establishing eligibility as a refugee within the meaning of Section 101(a)(42) of the Immigration and Nationality Act.

In evaluating the objective basis for a person's fear under the credible fear standard, the APSO is also instructed to consider the following: (1) the formal assurances made by the Cuban Government to the U.S. Government that no Cuban migrant will suffer adverse consequences or reprisals of any sort for irregular departure or for applying for refugee status; (2) the monitoring of Cubans returned under the program by officials from the U.S. Interests Section; and (3) the existence of an in-country refugee processing program. The consideration of these factors is, of course, affected by an assessment of the Cuban Government's fulfillment of its guarantees against reprisals.

The "credible fear" standard is intended to be more generous to the claimant than the well-founded fear standard used to determine refugee status under the 1951 Convention/1967 Protocol relating to the Status of Refugees. In addition, our adjudicators are instructed to inform the INS Headquarters if it appears that the implementation of the above standard—which takes into account the existence of refugee processing in Cuba—may result in the return of a bona fide refugee in a particular case. In such circumstances, we make a separate determination as to whether the migrant has established a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group or political opinion. Following such a determination, we will not return a person found to be a refugee to Cuba, notwithstanding his or her ability to safely access the in-country refugee program.

(6) All decisions rendered by APSOs, both positive and negative, are reviewed by the INS Office of International Affairs and the INS Office of the General Counsel prior to the return of any Cuban to Cuba.

(7) If a Cuban establishes a credible or well-founded fear of persecution in Cuba under this program and is not otherwise ineligible for protection, the United States ensures that such person is not returned to Cuba. Efforts are then made to develop durable solutions for such persons.

(8) Cubans who do not articulate a fear of return to Cuba or who do not establish a credible or well-founded fear of persecution in Cuba under this program are returned to Cuba. Following return, the U.S. Interests Section in Havana monitors their treatment.

(9) When the need arises, special measures will be adopted to meet the needs of members of vulnerable groups, including unaccompanied minors.

While we do not have plans to initiate shipboard counseling or monitoring by organizations outside the Government, the process that we have outlined above is the result of consultations between the U.S. Government and the Office of the United Nations High Commissioner for Refugees (UNHCR). In the context of those consultations, the INS verbally shared profiles with UNHCR of the types of cases encountered. This format was adopted to permit useful discussion with the UNHCR while preserving the confidentiality of interdicted Cubans and maintaining the integrity of the process. For the same reasons, the INS proposes to provide Subcommittee members or staff with profiles of the cases we have encountered in the Cuban interdiction program. Our Office of Congressional Affairs will be happy to coordinate arrangements for interested Subcommittee members or staff.

Please do not hesitate to contact Pamela Barry or Joyce Chiang at 514-5231 if you have further questions or concerns.

Sincerely,

DORIS MEISSNER, *Commissioner*.

U.S. DEPARTMENT OF JUSTICE,
FEDERAL BUREAU OF INVESTIGATION,
Washington, DC, May 3, 1995.

Ms. ANITA WINSOR,

Subcommittee on Western Hemisphere, House of Representatives, Washington, DC.

DEAR MS. WINSOR: As a follow up to our conversation and your letter of March 30th, I am enclosing a list of 77 FBI substantive and Unlawful Flight to Avoid Prosecution fugitives known or suspected to be in Cuba. Please understand that this list is by no means all inclusive. As cases are being investigated, new information will be acquired that might place a fugitive in Cuba or reveal that one who was believed to be there has fled to another country.

I'm glad I could be of help and hope you will not hesitate to let me know if you have any questions in this regard.

Sincerely,

MARGARET R. OWENS,
Legislative Counsel.

Enclosure.

VIOLENT CRIMES AND MAJOR OFFENDERS PROGRAM; VIOLENT CRIMES/FUGITIVE UNIT; EXTRATERRITORIAL
FLIGHT FUGITIVE TERRITORIAL ALLOCATION; COUNTRY: CUBA

Name	Place of Birth	Air piracy
1. Michael Finney	California	Air piracy
2. Ralph Goodwin	Illinois	Poss of explosives
3. Charlie Hill	Maryland	CAA—Kidnapping
4. James Patterson	Michigan	CAA—Air piracy
5. William Palm	Missouri	Escape; aiding and abetting
6. Theresa Grosso	California	UFAC—Escape
7. Clinton Smith	Cuba	CAA—Air piracy
8. Richard Linares	California	Escape risk
9. John Marques	Louisiana	CAA—Air piracy
10. William Brent	Cuba	Aircraft piracy
11. Oreste Bello	Cuba	CAA—Hijacking an aircraft
12. Cosme Iglesia	Cuba	CAA—Hijacking an aircraft
13. Barbara Alvarez	Cuba	CAA—Hijacking an aircraft
14. Ofelia Bernardo	Cuba	CAA—Hijacking an aircraft
15. Jose Bernardo-Tunon	Cuba	CAA—Hijacking an aircraft
16. Ernest Ferrero	Cuba	CAA—Hijacking an aircraft
17. Fidel Rego-Otano	Cuba	CAA—Hijacking an aircraft
18. Vincente Rego-Otano	Cuba	CAA—Hijacking; kidnapping
19. Nacasio Delgado	Cuba	CAA—Hijacking
20. Miguel Sanchez	Cuba	CAA—Hijacking
21. Ricardo Coro	Cuba	CAA—Hijacking
22. Rosalino Rodriguez-Cabria	Cuba	CAA—Hijacking
23. George Wright	Virginia	CAA—Hijacking; Kidnapping
24. Jose Montero	Cuba	Crime aboard an aircraft
25. Hector Ochoa	Cuba	Crime aboard an aircraft
26. William Potts	Unknown	CAA—Hijacking
27. Mario Fonseca	Cuba	CAA—Air piracy
28. Divaldo Rojas-Reyes	Cuba	CAA—Hijacking
29. Wilfredo Oquendo	Cuba	CAA—Hijacking
30. Eduardo Salgado	Cuba	CAA—Hijacking
31. Roberto Salgado	Cuba	CAA—Hijacking
32. Carlos Arias-Valdez	Cuba	CAA—Hijacking an aircraft
33. Marino Samon	Cuba	Aircraft piracy
34. Rolando Cadenas	Cuba	CAA—Hijacking
35. Silvio Cabrera	Cuba	CAA—Kidnapping
36. Crecencio Zamora	Cuba	CAA—Air piracy
37. Sergio Rojas	Cuba	CAA—Hijacking
38. Juan Garcia	Cuba	CAA—Air piracy
39. Robert Gracial	Cuba	CAA—Kidnapping
40. Ciro Granda	Cuba	CAA—Kidnapping
41. Santiago Guerra-Valdez	Cuba	CAA—Aircraft hijacker
42. Patrick Latortue	Unknown	CAA—Hijacking an aircraft
43. Ramon Salgado	Cuba	CAA—Hijacking an aircraft
44. Hector Gonzalez	Cuba	CAA—Hijacking an aircraft

VIOLENT CRIMES AND MAJOR OFFENDERS PROGRAM; VIOLENT CRIMES/FUGITIVE UNIT; EXTRATERRITORIAL
FLIGHT FUGITIVE TERRITORIAL ALLOCATION; COUNTRY: CUBA—Continued

Name	Place of Birth	Air piracy
45. Victor Gerena	New York	Top ten; UFAP—Bank robbery
46. Daniel Abad	Cuba	CAA—Hijacking an aircraft
47. Brian Wilson	Cuba	UFAP—Murder; WF No. 532
48. Joaquin Babin-Estrada	Cuba	CAA—Air piracy
49. Joanne Chesimard	Cuba	CAA—Air piracy
50. Miguel Aguiar	Cuba	CAA—Aircraft piracy
51. Rogelio Leyva	Cuba	CAA—Hijacking an aircraft
52. Roberto Aguiar	Cuba	CAA—Air piracy
53. Jose Caballero	Cuba	CAA—Aircraft piracy
54. Eduardo Jiminez	Colombia	CAA—Hijacking an aircraft
55. Gilberto Calero	Cuba	CAA—Air piracy
56. Ambrose Montfort	Georgia	CAA—Aircraft piracy
57. Robert Vesco	Michigan	UFAP—Wire fraud/securities
58. Luis Soltren	Puerto Rico	CAA—Aircraft hijacker
59. Catherine Kerkow	Oregon	CAA—Air piracy
60. Antajares Payano	Dominican Republic	CAA—Aircraft piracy
61. Ishmael Ali	Virgin Islands	CAA—Air piracy
62. Cheri Dalton	New York	WF No. 511, UFAC—Escape
63. Miguel Toledo	Cuba	CAA—Aircraft piracy
64. Nelson Molina	Cuba	CAA—Air piracy
65. Rafaele Minichiello	Italy	CAA—Air piracy
66. Felix Coplin	Dominican Republic	CAA—Hijacking an aircraft
67. Manuel Vargas-Agueros	Cuba	CAA—Air piracy
68. Armando Diaz-La Rosa	Cuba	CAA—Hijacking
69. Esmeraldo Ramirez-Castaneda	Cuba	CAA—Air piracy
70. Jose Garcia-Sanchez	Cuba	CAA—Hijacking an aircraft
71. Pedro Dequesada	Cuba	CAA—Air piracy
72. Rigoberto Gonzalez-Sanchez	Cuba	CAA—Air piracy
73. Ramon Martin	Cuba	CAA—Air piracy
74. Jesus Armenteros	Cuba	CAA—Air piracy
75. Gilberto Carrazana y Gonzalez	Unknown	Conspiracy to commit kidnapping
76. Donald Rider	North Dakota	CAA—Hijacking an aircraft
77. Francis Terpil	New York	Solicitation to commit murder

CAA: Crime aboard an aircraft.

UFAC: Unlawful flight to avoid confinement.

UFAP: Unlawful flight to avoid prosecution.

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One Hundred Fourth Congress
Congress of the United States
Committee on International Relations
House of Representatives
Washington, DC 20515

May 11, 1995

William J. Clinton
The President
The White House
Washington, D.C. 20500

Dear Mr. President,

We are writing to you to express our deepest dismay and disappointment over the Administration's recent decision to reverse U.S. immigration policy towards Cuba, as well as over the manner in which that decision was reached. We are extremely concerned that this step signals the beginning of a process of normalization of relations with Cuba; a process that we here in the Congress will vigorously and firmly resist.

There are several aspects of this policy shift that are extremely troubling to us. First and foremost, we are appalled that a decision of this magnitude was arrived at without any consultation with relevant Members of Congress. It is inconceivable that Members of the House International Relations Committee and other interested Members should learn of the Administration's actions in such a critical and sensitive area after the fact. A policy arrived at and implemented in such a fashion cannot have any legitimacy.

We are also extremely upset over the secret negotiations carried out with Castro's Cuba by the Administration. Members of Congress were under the clear and distinct impression that the only official channel of communication with the Castro regime was through the New York talks set up after last year's immigration crisis. The high level talks with Cuba set a very bad precedent and sent a very unfortunate signal that relations with Cuba are creeping towards normalization.

Most repugnant is the notion that the U.S. Navy and Coast Guard will be collaborating and cooperating with the authorities of a vicious communist dictatorship in forcibly returning freedom-seeking people to the clutches of the very same repressive police state. We see no possible way that U.S. authorities can adequately monitor and vouch for the safety of those people returned to Cuba. Furthermore, we are concerned over the possibility that Fidel Castro could exert pressure upon you by threatening to execute or otherwise harm any of the returning refugees.

We are certain you do not need to be reminded that Cuba is one of the most notorious rogue states in the world today. Under Fidel Castro, Cuba occupies a prominent place on three abominable lists: those of the states engaged in terrorism, narcotics trafficking, and horrible violations of human rights. In Cuba today, attempting to leave the country without authorization is still considered a criminal offense, punishable by a harsh prison term. Castro's violations of human rights are well known and well documented. The United Nation Human Rights Commission, Amnesty International, and our own State Department's Human Rights Report, among others, provide ample detailed and chilling evidence of these crimes against humanity.

It strains every notion of propriety and moral sense to envision the United States of America, the world's beacon of freedom, handing refugees over to such a regime.

At a time when it is more crucial than ever to tighten the noose around the neck of the Castro regime, the Administration appears to be doing precisely the opposite. This ominous policy shift, as well as the Administration's failure to endorse the Cuban Liberty and Democratic Solidarity Act of 1995, are bound to be perceived as steps towards the normalization of relations between the United States and Cuba. Such a perception will be extremely demoralizing to the Cuban people and extremely damaging to the cause of promoting freedom in Cuba. The anguished, negative reaction we have witnessed in recent days in the Cuban-American community is a small indication of the deep frustration and disappointment felt not only in that community, but among lovers of freedom everywhere.

We therefore urge you, in the strongest possible terms, to suspend the implementation of the new policy towards Cuba until Congress is adequately consulted, and until the implications of the policy can be adequately assessed.

Sincerely yours,

Dan Burton

Tom Tully

Pincho Diaz-Vegas

Pete King

Peter Deutsch

Glenn Ros-Settman

John D. ...

Chris Smith

PART OF A STRATEGY TO PROP UP FIDEL?

Frank J. Gaffney, Jr.

The Washington Times, May 16, 1995

Nearly two years ago, President Clinton found himself unable to defend the left-wing policy recommendations contained in years of published writings by his friend, Lani Guinier. He responded by withdrawing her controversial nomination for a top Justice Department job. Her return to academia was taken by some as evidence that Mr. Clinton actually was the "New Democrat" he claimed to be - a man who campaigned in 1992 as a breed apart from the McGovern-Mondale-Dukakis "Old Democrat" crowd with their propensity to embrace socialism at home and those who practiced it abroad.

A few weeks later, Mr. Clinton got another opportunity to show his true colors. The president was presented with evidence that a man slated for a senior Pentagon post, Morton Halperin, had accumulated a public record at least as troubling as Lani Guinier's during two decades of leftist political agitation against the Defense Department, the intelligence community, the FBI and anyone else who waged the Cold War against communist totalitarianism. Illustrative of the quotes offered the president was one that seemed to capture Mr. Halperin's Old Democrat propensities:

"Every action which the Soviet Union and Cuba have taken in Africa has been consistent with the principles of international law. The Cubans have come in only when invited by a government and have remained only at their request. ... The American public needs to understand that Soviet conduct in Africa violates no Soviet-American agreements nor any accepted principles of international behavior. It reflects simply a different Soviet estimate of what should happen in the African continent and a genuine conflict between the United States and the Soviet Union." (From a June 1979 article in the radical journal, the Nation, titled "American Military Intervention: Is It Ever Justified?")

Unfortunately, the president responded not by sending Mr. Halperin back to the American Civil Liberties Union and like-minded organizations that had been his roost for years. Instead, he nominated him to become the assistant defense secretary for democracy and peacekeeping. Still more instructive, however, was Mr. Clinton's response when it became clear that even the Democrat-controlled Senate Armed Services Committee was unlikely to act favorably on this nomination: He gave Mr. Halperin a sensitive policy-making position that would not require Senate confirmation - that of Special Assistant to the President and

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senior National Security Council director for democracy.

From this largely invisible and unaccountable position, Morton Halperin has assiduously pursued his left-wing agenda. He has been implicated in a number of dubious Clinton administration initiatives including: its notion that a "dialogue" with Islamic extremists will produce better results in Algeria than it did in Iran 16 years ago; its bid to normalize relations with communist Vietnam; its campaign to re-educate U.S. military officers into believing that international peacekeeping operations, humanitarian and constabulary missions and multilateral command-and-control arrangements are the norm for the armed forces; and its effort to downgrade and redirect the energies of the CIA and other intelligence assets into politically correct activities and conclusions.

As a prime mover behind the guidelines that have for years hampered the FBI's ability to counter terrorist operations in this country, Mr. Halperin is said to be among those in the administration resisting efforts to grant the bureau new authority in the wake of the Oklahoma City bombing.

The dubious initiative on which Morton Halperin's fingerprints most clearly appear is the effort to save Fidel Castro's regime. As evidence mounts that the Cuban dictatorship is increasingly imperiled by the bankruptcy of its socialist experiment and by public discontent, Mr. Halperin has been hard at work. Last December, two of Congress' most vigilant Cuba-watchers, Reps. Lincoln Diaz-Balart and Ileana Ros-Lehtinen, wrote Mr. Clinton to complain about Mr. Halperin's effort to help Mr. Castro by easing economic sanctions, travel restrictions, limits on academic or press exchanges and sales of medical supplies, food, etc. Mr. Clinton replied to the legislators in January saying, "I have confidence in the advice I am being given on Cuba. That advice has and will continue to reflect administration policy and the principles of the Cuban Democracy Act."

In recent weeks, it has become ever more apparent that the "administration policy" being advanced by Morton Halperin is at odds with the robustly anti-Castro Cuban Democracy Act, which is the law of the land. He has advanced the ludicrous argument that Cuba should not be punished for allowing a Cold War-era Russian spy facility to continue eavesdropping on American businesses and citizens on the grounds that it helps Moscow monitor U.S. arms control compliance. Mr. Halperin was personally responsible earlier this spring for scotching testimony by a senior State Department official that would have expressed support for legislation proposed by Sen. Jesse Helms and Rep. Dan Burton. The Helms-Burton bill, known as the "Cuban Liberty and Democratic Solidarity Act," would further tighten the screws on Havana's odious regime and those who give it life support.

Now comes word that Mr. Halperin and Undersecretary of State Peter Tarnoff (father of the administration's infamous "We're Too Poor To Lead" doctrine) recently conducted secret negotiations with Mr. Castro's representatives. Their upshot: The United States has assumed responsibility for ensuring that no one escapes Fidel's repression by fleeing Cuba. In exchange, Mr. Castro promises to do nothing more to would-be refugees the United States forcibly returns than make them live in his penal country.

Clearly, time is running out for Mr. Halperin, his friends at the Institute for Policy Studies and elsewhere on the radical left, America's embargo-busting allies and U.S. businesses willing to make a buck overseas no matter how

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repressive or immoral the regime. They are determined to try to normalize relations with Mr. Castro before the election season gets into full swing. Their efforts represent Fidel's last, best hope. However much confidence Mr. Clinton may have in Morton Halperin and his policies, Congress should show it has none by swiftly adopting the Cuban Liberty and Democratic Solidarity Act.

Frank J. Gaffney, Jr. is the director of the Center for Security Policy and a columnist for The Washington Times.



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